

MARYLAND

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VESTRY PROCEEDINGS, ST. ANN'S PARISH, ANNAPOLIS, MD.

[St. Ann's Parish, originally known as Middle Neck Parish, was one of thirty-five which were established by "An Act for the service of Almighty God and the establishment of the Protestant Religion within this province," passed in 1692 (*Archives*, 13 : 425), but by reason of the loss of the first twelve pages of the Vestry records, the exact date of its organization cannot be established.

In the Proceedings of the Council, October 23, 1696 (*Archives*, 23 : 19), the following appears : "Ann Arrundell County is Divided into ffour parishes viz^t Herring Creek. South River. Middle Neck & Broad Neck . . Middle Neck Parish is Scituated betwixt South River and Severn River. Vestrymen for the s^d Parish Chosen &^{ca} Viz^t Mr Thomas Bland, Mr Richard Wharfield, Mr Jacob Harness, Mr. Wm. Brown, Mr. Corne Howard. Taxables 374 "

"An Act for appointing persons to Treat with Workmen for the building a Church att the Porte of Annapolis" passed at the session of June-July, 1699, may be found in the *Archives*, 22:580. Further details as to this parish may be had from Rev. Ethan Allen's "Historical Notices of St. Ann's Parish" and Riley's "Ancient City," p. 68. Some notes concerning the Rev. Peregrine Coney, the first incumbent of St. Ann's were printed in this *Magazine*, 5:290, 291.]

At a Vestry held for St. Ann's Parish the 14th day of March An^o Dom. 1712. Present, The reverend M^r Edw^d Butler, Sam^l Young, Esq., Thos. Bordley, Esq^r., M^r Jn^o Gresham, M^r Evan Jones. The reverend M^r Edw^d Butler produced to the Vestry the following Instrum^t, viz.

Maryl^d ss.

Edw^d Lloyd Esq^r., Presid^t of her Majesty's Hon^rable Council within this Province.

To the Vestry of St. Ann's Parish in Ann Ardⁿ County, greeting.

Whereas the reverend M^r Edw^d Butler as Orthodox minister of the Church of Engl^d is recommended to me as such from the R^t Hon^rable & right Reverend Father in God Henry by Divine permission Lord Bishop of London & Diocesan of this Province.

I doe hereby appoint the s^d M^r Edward Butler to be rector of the Parish and direct y^o to pay him the forty £ poll therein arising allotted for the Support of the Clergy dated at the City of Annapolis the 7th day of March 17^{12/3}.

Edw^d Lloyd.

W^{ch} being produced & read is ordered to be Entred as above and the s^d M^r Butler is admitted into the Rectory of the Parish according to the tenor thereof. Ordered th^t M^r Rich^d Martin be admitted as Clerk of the Vestry by takeing the oaths according to Law.

[p. 2] At a vestry held for Sⁿt Ann's Parish on the 6th day of Aprill 1713. Present, The Reverend M^r Edw^d Butler, M^r Thom^s Bordley, M^r Joseph Hill, M^r John Gresham, M^r Evan Jones, Vestrymen. Severall of the Parishioners being met have dismiss'd from the Vestry (according to their own requests) M^r Gresham & M^r Jones, & in their Roome have Chosen M^r John Beale & M^r Thom^s Major. They have Likewise Chosen instead of M^r Thom^s Docwray & M^r Caleb Dorsey, M^r Albert Greening and M^r Cadwad^r Edwards, Church Wardens for this present year.

May 12: 1713. At a Vestry held for St. Ann's Parish. Present, The Revnd M^r Edward Butler, M^r Thom^s Bordly, M^r John Beale, M^r Thom^s Major.

That M^r Cadwallader Edwards and M^r Albert^s Greening last Easter being elected Church wardens, and the above named M^r John Beale and M^r Thomas Major being then also Elected

Vestrymen, and having before M^r Thomas Bordly one of the Justices of Annapolis taken the oaths for the true performance of their Office of vestrymen, as also the other Oaths appointed by Law appear'd and took their places in the s^d vestry as above. And the same vestry.

[p. 3] Doct^r Major had an order upon the Shereife for nine hundred and twenty five pounds of Tobacco for nine ells and one quarter of fine Holland for the Parish use. Likewise that the Clerk of the Parish had an order for four hundred pounds of Tobacco for extraordinary Service in toleing the bell to Prayers.

Likewise Rich^d Martin being admitted Clerk of the Vestry at the same time tooke the oaths According to Law. M^r Edward Rumney of this Parish Ship Carpenter comes and says th^t his Assignment of one Half of his Pew in this Parish being numbred 17 to M^r Cad^{dw} Edwards his heires and Assignes may be Entred upon the Registry Book. Which upon the S^d Edw^d Rumney Prays an acknowledgm^t of having rec^d from the s^d Cad^{dr} Edwards a sufficient Consideration, therefore is Ordrd to be Entred according to the end th^t such half part may for Ever hereafter be to be the Proper Estate of the s^d Cad^{dr} Edwards and his heires.

May the 14th 1713. Rec^d of Edw^d Butler two silver Flaggons, two pattens, one Chalice, one large plate, one Holland Table cloath and Three Napkins, being the furniture of the Communion Table of the Parish of St. Ann.

Witness my hand

Cad^{dr} Edwards.

[p. 4] Att a Vestry held for S^t Ann's Parish on friday the 4th of Decemb^r 1713. Present, Sam^l Young Esq^r., M^r Thom^s Bordley, M^r Joseph Howard, M^r John Beale.

Ordered th^t the Sherreife of An Arrundell County Pay to Richard Bickerdike the sum of one Thousand Pounds of Tobacco for Efficiating the Office of a Clerke of the s^d Parish out of the forty p Poll.

The Vestry D^r to M^r Cad^{dr} Edwards to two Posts and a sill for the Church Gate.

To a Locusts Sill and new Tennants for the Church doore to mending the Funt, £2: 6^s.

To Eleven Bottles of Wine at four shill^{ss} ⷞ Bottle, £2..4^s.

At a Vestry held for S^t Ann's Parish Dec^{br} 12, 1713. Present, Sam^l Young Esq^r., M^r Thom^s Bordley, M^r John Beale. At the same vestry was Chosen instead of D^r Thom^s Major who is dead & M^r Joseph Howard remov^d out of this Parish M^r Rob^t Lusby and George Valentine vestrymen in their roome.

Isabella Moore Complaines th^t tho' she has had an order from the Late Rev^d Edw^d Butler¹ Minister of the Parish drawn upon the Sheriff of the County to pay her one thousand pounds of Tobacco out of the forty ⷞ poll in his hands due the s^d Butler for the year 1713 w^{ch} order he has Refus'd to accept Tho' he had [p. 5] sufficient thereof in his hands. And upon her Complaint it is declared by the vestry herof th^t as the forty ⷞ pole was due to the s^d Butler it was Likewise due to his Order and th^t on the Sheriffs Refusall to Pay the s^d Order It be deem'd a deniall of Payment of such sume as Part of the forty ⷞ Pole. And therefore tis ordered th^t He be prosecuted for such non payment in Case he further Refuses to make the same Payment.

The Vestry having made application to the Rev^d M^r Jacob Henderson to serve this Parish now in this time of vacancy. And having assured him of their utmost Endeavours to Procure for him the Just dues to such Service and the utmost of what the Law will allow. Do Hereby Resolve th^t the full forty ⷞ Pole be allowed to the s^d M^r Henderson from this time for such service in proportion to the time of service. Th^t the same shall be approved of by the Hon^{ble} President and her Majesty's Councill here as a Legal Allowance, on which Proposall the s^d M^r Henderson promises his service.

The vestry adjourned till Saturday being the 19th of this Imp^r.

Ordered th^t notice be given to the sheriff to bring in his Acc^{nt} on Penalty of being shed.

At a Vestry held for St. Ann's Parish on Saturday 19th 1713.

¹ Died November 9, 1713.

Present, Sam^{ll} Young Esq^r., M^r Thom^s Bordley, M^r John Beale. Ordered that the Sheriff of Ann Arrundell County have once more notice given him of the meeting of the Vestry which is [p. 6] Appointed to be on Saturday the 2^d day of January next & th^t notwithstanding the frequent dissappointments the Vestry have met with for want of his accounting with th^m they are yet desirous to deferr the taking any vigorous Course of Law Against him on th^t occasion untill the next meeting afore mentioned, but th^t unless he meet th^m and Acc^{nt} with th^m or lodge his Accounts under his hand with the Register of the Vestry in the mean time such manner of proceeding be no longer delayed against him. Ordered th^t the Vestry be adjourned till the 2^d day of January next.

At a Vestry held for S^t Ann's Parish on Saturday 2^d day of January 1713. Present, Sam^{ll} Young Esq^r., M^r Thom^s Bordley, M^r Joseph Hill, M^r John Beale. At which Vestry the Sherriff brought in his Acc^{ts} and was ordered by the above Vestrymen to be entred.

1711. M^r Thom^s Gassaway High Sheriff of A. A^{ll} County D^r to the Vestry of St. Ann's parish.

To the ball. due from M^r Jn^o Gresham late Sheriff in 1710 if allow'd by s^d Gassaway is of the

40 ₤ pole,	2652
Of the 10 ₤ pole in 1710,	3285
To the 10 ₤ pole of 426 taxables in 1711, .	4260

10197

[p. 7] 1712. The same Gassaway D^r to the same Vestry

to the above ballance acc ^o in 1711,	6322
to the 10 ₤ pole of 418 taxables,	4180

10502

1713. The same Gassaway D^r to the same Vestry to the above balance in 1712, 8536.

₤ Con^{tr}

C^r

₤ Salery of 4260 at 5 ₤ C ^t . is	213
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☞ order'd to Edm ^d Benson Clk. of the Vestry,	500
☞ order'd to Rich ^d Bickerdike for extraordinary Service in tolling the bell for prayers on week days,	400
☞ d ^o to Sam ^l Young Esq ^r for Cash 1..12..2 Curr ^t disburst toward pay for the bible & prayer book ov ^r & above the 10£ given by Coll ^{nl} Hammond for the purchase thereof,	866
☞ d ^o to D ^r Thom ^s Major, Churchwarden for Holland for a Surplice,	1296
☞ d ^o to s ^d Major for Wine and other Parish disbursements,	600
	<hr/> 3875
☞ ballance due to the Vestry,	6322
	<hr/> 10197
☞ the 5 ☞ C ^t of 4180 is	209
☞ orderd to M ^r Thom ^s Bordley late Church Warden for Wine,	432
☞ d ^o to D ^r Thom ^s Major for Holland for Comūnion table Linnen,	925
☞ d ^o to Rich ^d Bickerdike for tolling the bell as above,	400
	<hr/> 1966
☞ ballance due on this Acc ^{nt} to the parish,	8536
	<hr/> 10502
[p. 8] ☞ order'd to M ^r Cadw ^r Edwards for work done to the Church & Church yard gates and for disbursem ^{ts} for wine as ☞ his Acc ^t filed,	1080
☞ what is order ^d to M ^r Amos Garrott ad ^r of M ^r Butler for Rich ^d Martins Service as Cl ^k of the Vestry from the 14 of March till the 9 th of Nov ^{br} when p ^d ,	323
☞ d ^o to M ^r Thom ^s Docrea late Churchwarden,	978
	<hr/> 2381
	6155
	<hr/> 8536

D^o SherriffD^o

£ ord ^r on him to pay Richard Bickerdike for toll- ing the bell for the year 1713 when p ^d ,	400
£ ord ^r to Rich ^d Martin for fire wood paper & other matters when p ^d ,	200
	<hr/> 600
£ ballance due to the Vestry after the preceeding orders,	5555
	<hr/> 6155

1710. M^r John Gresham Sher: of Ann Arrundell County D^r
to S^t Ann's Parish.

To the 40 £ poll of 430 taxables,	17200
[p. 9] £ Con ^{tr} C ^r	lb. Tob ^o
£ the 5 £ C ^t of 17200,	860
£ ord ^r to pay M ^r Joseph Colebatch one half of the 40 £ poll for his service from the eighth day of June till the eighth day of April 1711,	6880
1712. March 14 th £ ord ^r to pay Wornall Hunt Esq ^r Attorney in fact of M ^r James Wotton late incumbent for 5 months Service in the Parrish,	6808
	<hr/> 14548

£ the ball. of this Acc ^{nt} Carried to Vestrys Ac- count in 1711,	2652
	<hr/> 17200

This Account of the 40 £ pole for the year 1710 settled this
fourth day of December Anno Domini Seventeen hundred and
thirteen.

At a Vestry held for St. Ann's Parish Feb. 27th 1713.
Present, The Revnd M^r Jacob Henderson, Sam^l Young, Esq^r.,
M^r Joseph Hill, M^r John Beale, M^r George Valentine, M^r Robert
Lusby, M^r Thom^s Bordley. Then was sworne M^r Rob^t Lusby
and M^r George Valentine Vestrymen and tooke their Places
accordingly. Resolv'd the Vestry meet again on Saturday the
sixth of March.

[p. 10] At a Vestry held for St. Ann's Parish March 6th 1713. Present, the Revrd M^r Jacob Henderson, Sam^l Young Esq^r., M^r Thom^s Bordly, M^r Joseph Hill, M^r John Beale, M^r Rob^t Lusby, M^r George Valentine, Vestrymen. The Vestry being mett have requested the Revernd M^r Jacob Henderson to shew his Licence from the Revnd the Lord Bishop of London and Likewise his instrument in the nature of an induction (it being directed to the Vestry from his Hon^r the President) Which are order'd to be recorded and are as follows.

Henricus, Permissione Divina, Londonensis Episcopus, Dilecto nobis in Christo Jacobi Henderson Salutem & gratiam: ad peragendum officium Capellani in Virginia vel alibi in partibus Americanis in precibus communibus aliisque Ministeriis ecclesiasticis ad officium Capellani pertinentibus Juxta formam discriptam in libro publicarum preeum. Autoritate Parlamenti hujus inclyti Regni Angliæ, in ea parte edit & provis, & Canones & Constitutiones in ea parte legitime stablitas & publicatas & non aliter neque alio modo tibi de cujus fidelitate morum integritate, literarum scientio sana doctrina & diligentia plurimum confidimus (præstito primitus per te Juramento tam de agnoscendo Regiam supremam Majestatem, juxta vim, formam, et effectum statuti Parlamenti dicti Regni Angliæ in ea parte edit & provis quam de Canonica Obedientia nobis & Successoribus nostris in omnibus [p. 11] licitis & honestis per te præstanda & exhibenda subscriptisq per te tribus illis articulis mentionatis in tricessimo sexto Capitulo libri constitutionum sive Canonum Ecclesiasticorum Anno Dom. 1604 Regia Autoritate editorum & promulgatorum) licentiam & facultatem nostram concedimus & impartimus per præsentem ad nostrum bene placitum duntaxat duraturum: In cujus rei Testimonium sigillum nostrum (quo in similibus plerunq utimur) præsentibus appeni fecimus. Dat. 15 die Junii annoq dom. 1710.

Maryland ss. Edward Lloyd Esq^r Prs^t of her Ma^{ty} Hon^{ble} Councill in this her Maj^{ty}s province &c.

To the Gentⁿ of the Vestry of S^t Ann's Parish in Ann Arrundell County Greeting. Whereas y^r Parish is now repre-

sented to me to be vacant of an Incumbent, upon the death of the Rev^d M^r Edward Butler late Rector thereof and forasmuch as the Revnd M^r Jacob Henderson, an Orthodox Minister of the Church of England (tho not particularly Recommended to me by the R^t Revnd the Lord Bishop of London Diocesan of this Province) has applyed to me to be appointed to your parish, on due Consideration thereof & well hoping to promote the service of Almighty God, and the spirituall Welfare of y^r parish have thought fitt & do hereby recomēd the s^d M^r Jacob Henderson to Efficiate in y^r Church as minister thereof untill such times as his Lordp. the L^d Bishop of London shall signifie his approbation or Dislike thereof.

Given under my hand this 8th day of February in the 12th year of her Majesty's Reign Anno Dom. 1713.

Edward Loyd.

[p. 12] At a Vestry held for St. Ann's Parish March 29th 1714. Present, The Revnd M^r Jacob Henderson, Sam^l Young Esq^r, M^r Thom^s Bordley, M^r George Valentine. The Vestry having mett being on Easter Monday have made Choice of M^r Benjamin Tasker and M^r Will^m Mecubbins in Roome of M^r Cadw^{dr} Edwards & M^r Ab^t Greening Church Wardens, M^r Rich^d Warfield and M^r Caleb Dorsey Vestry men instead of Samuel Young Esq^r and M^r Robert Lusby, the Vestry having adjourned till Saturday being the 10th of Aprill.

At a Vestry held for St Ann's Parish on Saturday the 10th of Ap^l 1714. Present, The Rev^d M^r Jacob Henderson, M^r John Beale, M^r Caleb Dorsey, M^r Rich^d Warfield, M^r Will^m Mecubbins. Before M^r John Beale as Justice of the Peace Then was sworne M^r Will^m Mecubbins Church Warden in the stead of M^r Albert Greening was Likewise sworne M^r Caleb Dorsey and M^r Rich^d Warfield Vestry Men and tooke their Places Accordingly.

Att a Vestry held the first of May 1714. Present, The Rev^d M^r Jacob Henderson, M^r Thomas Bordley, M^r Joseph Hill, [p. 13] M^r John Beale. The s^d M^r Henderson produces the following Instrument w^{ch} is order'd to be Enter'd and is as follows. Viz.

Maryland ss. Edward Lloyd Esqr President of her Ma^{ty's} Council &c.

To the Gentlemen of the Vestry of St Ann's Parish in Ann Arrundell County Greeting.

Whereas the Revnd Mr Jacob Henderson an orthodox Minister of the Church of England was sent and Recommended by the late Lord Bishop of London & Diocesan of this Province to Officiate as such in any part of America I do therefore hereby Recomend and appoint the s^d Jacob Henderson to be Rector of your Parish and direct you to receive him as Incumbent thereof, and will you to aiding and assisting to him in all things becomeing, to the end he may receive the full benefitts & perquisitts to his office appertaining together with the forty pounds of Tobacco p pole arising within the Parish af^d. Given at the City of Annapolis this 17th Day of Aprill in the 13th year of the Reign of our Sovereign Lady Queen Ann of Great Brittain &c. Annoq Dom: 1714.

Edw^d Lloyd.

1714. D ^r The Sheriff of Ann Arundell L. Gassaway C ^r	
To the ball ^e brought from	1714. Sept ^r the 11 th
the Acc ^t in 1713,	5555 p or ^d to Edw ^d Coyle As-
	signee of R ^d Martin if
	p ^d , 330
	p ord ^r to Henry Carter-
	glaz[ier] for his acc ^t in
	full, 924
	1254
	p ball. due, 4301
	5555
[p. 14] M ^d the said Sher. D ^r	p Sall ^{ry} at 10 p Cent . 45
to more of the Subscrip-	ball. on y ^r Acc ^t , . . . 405
tions rec ^d viz. of M ^r	
Benj. Tasker, . . . 300	450
W ^m Anderson plaisterer, 50	
R ^d Pawson, . . . 100	
	450

Att a Vestry held for S^t Ann's Parish at the Vestry house of the s^d parish this Eleventh day of Sept^r Auno Dom. 1714. Present, The Rev^d M^r Jacob Henderson Rect^r, Thomas Bordley, M^r Joseph Hill, M^r John Beale, M^r Geo. Valentine, M^r Richard Warfield & M^r Caleb Dorsey, Vestrymen, M^r Benjamin Tasker & M^r W^m Maccubbin, Church Wardens. Who upon M^r Martins removal out of the parts who was late Clerk of the Vestry proceed to the Choice of a new one. And make choice of Richard Bickerdike who being present accepts thereof and is required to take the usuall oaths, who Takes the same accordingly and is admitted.

At a Vestry held for S^t Ann's Parish at the Vestry House of the said Parish this 4th Day of Dec^r 1714. Present, the Rev^d M^r Samuel Skippon, M^r Thomas Bordley, M^r Joseph Hill, M^r John Beale, M^r George Valentine, Vestrymen. The said M [p. 15] Samuel Skippon produces the following Instru^t which is order'd to be entred & is as follows, viz.

Maryland ss.

John Hart Esq^r, Cap^t General and Govern^r in Chief in and over this his Ma^{ty}s Province &c. To the Gent. of the Vestry of S^t Ann's Parish in Ann Arundel County, Greeting.

Whereas the Rev^d M^r Samuel Skippon has been sent and recommended to me by the R^t Rev^d Father in God John by Divine Permission Lord Bp. of Londou and Diocesan of this Proviuce to officiate here as an Orthodox Minister of the Church of England. I do hereby present and appoint the said M^r Samuel Skippon to be rector of Your Parish, and do require you to receive him as such and to be aiding and assisting to him in all things as becometh, to the End that he may receive the full Benefit of the forty Pounds of Tob^o & Poll rais'd for the support of the minister of your Parish, and all other Rights & Perquisites to his said office belonging. Dated at the City of Annapolis the first day of Nov^r in the first year of the Reign of our Soverraign Lord King George, of Great Britain &c. Annoq. Dom. 1714.

John Hart.

John Beale one of the Aldermen of the City of Annapolis

administers the severall Oaths appointed by Act of parliament to be Taken instead of the Oath of alegiance & Supremacy, and the Oath of abjuration to the Rev^d M^r Samuel Skippon, M^r Joseph Hill and Richard Bickerdike, who take the same and severally subscribe the af^d Oath of Abjuration and Test.

Also Ordered That Rich^d Bickerdike Clk of the Vestry give [p. 16] notice th^t Sarah Pinckney & James Frost and George Mansil and Sarah Norwood appeare before the next Vestry to answer unto such matters as shall be objected ag^t them upon the suspition of Incontinency the s^d Vestry being appointed to be held on thursday the 16th ins^t.

Att a Vestry held for S^t Ann's Parish this 16th day of Dec^r Anno Dom. 1714. Present, The Rev^d M^r Samuel Skippon Rector, Thomas Bordley, M^r John Beale, M^r George Valentine & M^r Caleb Dorsey Vestrymen, M^r Beujⁿ Tasker, Church-warden.

The Sheriff of Ann Arundell M^r Thomas Reynolds produces his Acc^t of the ten ₤ poll this present year & Desires he may be Charged D^r ₤ Contra. C^r

To the 10 ₤ poll of 430 ₤ Sall^{ry} at 5 ₤ Cent. . 215
taxables, . 4300

James Frost and Sarah Pinckney being suspected of living incontinently together & having been sum^oued to appear on th^t account appear accordingly and being Examined what they had to offer iu Excuse of such suspition say nothing material in their Excuse but rather increase than abate the aforementioned Suspition and there upon 'tis the opⁿ of the Vestry that in case of any future Cohabitation betwixt them or of any frequenting each other's company they ought to be proceeded against and be as lyable to conviction as if she were sufficiently proved a Lewd woman.

M^r Salathiel Quinny being summon'd on the like Suspition for living with a woman he pretends to be his wife appears and [p. 17] alleges himself to be marryed with s^d Woman and th^t she was marryed by one Goodwin a Minister in Virg^a but upon Examinⁿ of wittnesses it do's not appear th^t ever they lived as man & wife in Virginia, but th^t they have reported they were

Does to th^t on his rec^t of s^d 10 p^{d} pole from s^d Gassaway his ball^e on Acc^t of the 10 p^{d} pole will be due to the parish—8386. 8386 as appears by his Acc^t on the file.

Tho^s Reynolds—Sheriff.

At a Vestry held for St Anne's Parish in Ann Arundell Co^y the second day of May Anno Dom. 1715. Present M^r Samuel Skippon, M^r Joseph Hill, M^r Jn^o Beale, M^r George Valentine—Vestrymen. Who made Choice of Samuell Young Esq^r and M^r Benjⁿ Tasker for Vestrymen in the room of M^r Joseph Hill and M^r Caleb Dorsey. M^r Alexander Warfield and M^r James Crook Church Wardens in the room of M^r Benj. Tasker & M^r W^m Maccubbin.

[p. 19] Att a Vestry held at St. Ann's Parish in Ann Arundell County the thirteenth of June Anno Dm. 1715. Present M^r Samuel Skippon Rect^r, M^r Thomas Bordley, M^r Jn^o Beale, M^r Geo. Valentine, M^r Samuel Young Esq^r, M^r Benjⁿ Tasker Vestrymen. Samuel Young Esq^r & M^r Benjⁿ Tasker are sworn Vestrymen by M^r John Beale one of the Alderman of the City of Annapolis. The Vestry adjourns till Saturday the 25th Ins^t.

June the 25th 1715. Att a Vestry held at St. Ann's Parish in Ann Ar^l Co. the 25th day of June Anno Dom. 1715. Present M^r Sam^l Skippon Rector, M^r Tho^s Bordley, M^r John Beale, M^r George Valentine, M^r Rich^d Warfield, M^r Benjⁿ Tasker, M^r Alex^r Warfield, M^r Jas Crook. M^r Alex^r Warfield and M^r James Crook church wardens.

August the 13th 1715. Att a Vestry held at St Anne's Parish in Arun^l Co^y the 13th day of Augst Anno Dom. 1715. Present [p. 20] Sam^l Skippon Rector, Sam^l Young Esq^r M^r Tho^s Bordley, M^r George Valentine, M^r Benjⁿ Tasker, Vestrymen, M^r Alex^r Warfield, Church Warden.

Whereas Thomas Andrews has not performed the . . . made with him about the bellfray tis ordered that . . . said Tho^s Andrews go about said work on . . . same to be gone about then and Conti . . . the said Andrews his Agreem^t be finished . . . Thomas Bordley or Either of them agree . . . to Compleat and

married since they came thence and it being alleged th^t the s^d Woman has a husband living in Virginia w^{ch} by various Circumstances seems probable & by Sundry other concurring circumstances it appearing th^t their cohabitation is not legall. It is the opin^o of the Vestry th^t they ought to be prosecuted in case of a future Cohabitation in the same manner as if she were a Lewd Woman within the Acts of Assembly of this province ag^t Adultery & fornication.

R^d Bickerdike made Oath before me Benjⁿ Tasker one of his Maj^{ty}s Justices of Ann Arund^l Co^{ty} that pursuant to the order of the vestry he Gave M^{rs} Sarah Norwood notice to appear before the Vestry this day to make proof of her Marriage to one George Mansell. But the said Sarah Norwood has not appear'd according to the said notice.

Att a Vestry held for S^t Ann's Parish in Ann Arund^l County this twelfth day of ffeb^{ry} Anno Dm. 1714. Present, The Rev^d M^r Samuel Skippon Rector, Thomas Bordley, M^r Joseph Hill, M^r Geo. Valentine. Order^d th^t M^r Gassaway pay to M^r R^d Bickerdike two hundred & three pounds of Tob^o out of the Subscriptions in his hands & thereupon an order is drawn accordingly Signed by the Rect^r being for work done. The like ord^r made & Drawn on the same Gassaway for two hundred & two pds. of Tob^o payable to Mrs. Norwood out of the same Subscriptions—being for nailes. M^r Thomas Reynolds Sher. of Ann Arundell County comes to render his acc^t of the ten ₤ pole this year &c and is thereupon Charged.

D ^r	₤ Contra	C ^r
To 430 at 10 ₤ poles is 4300	₤ sall ^y at 5 ₤ C ^t is	215
	Ball. on this acc ^t	4085
		<hr/> 4300

Also ordrd th^t M^r Gassaway pay s^d Reynolds the sum of 4301^{lb} of tob^o the ball^e of the 10 ₤ pole due from him to the parish & th^t the s^d Reynolds give Credit for the same as a ball^e due from him on Acc^t of the s^d Parish tax w^{ch} the s^d Reynolds according

finish what was . . . Andrews and that a suit be on such . . .
Comenced ag^t him on his agree . . . of his Covenant . . . M^r
Thomas Bordley one . . . Parish who with the rest of . . . Sell
the tobacco Quantity . . . of this parish. This day Inform . . .
since he did agree wth M^r Tho^s . . . ̄ hundred which Agreem^t
the rest of the . . . do approve and Consent too.

Att a Vestry held for S^t Annes Parish in Ann Arund^{le} Co^y
the 12th day of Sept^r Anno Dom. 1715. Present The reverend
M^r Sam^l Skippon, M^r Tho^s Bordley, Sam^l Young Esq^r M^r George
Valentine, M^r Benj. Tasker & Jn^o Beale. Its ordered that unless
[p. 21] Tho^s Andrews Comply with his agreem^t about the bell-
fray by the twenty ninth day of this Instant that a suit be
Commenced ag^t the said Andrews on his Agreem^t with the Vestry
for a breach of his Covenant and that Co^{ll} Sam^l Young be Joyned
wth M^r Benjⁿ Tasker in the room of M^r Tho^s Bordley who is
goeing for England to do what was required to be done by the
said M^r Bordley and M^r Tasker the last Vestry.

Att a Vestry held for St. Anne's Parish in Ann Ar^{die} Co^{ty}
Nov^r 1715. Present, The Rev^d M^r Sam^l Skippon, M^r John
Beale, M^r George Valentine, M^r Benj. Tasker . . . be made to the
Justices of Arun^l Co^{ty} Court . . . pounds of tob^o ̄ pole to be
levyed iu this . . . the Charge thereof . . . Reynolds for 400^{lb}
tob^o payable to M^r Benj. . . M^r Tho^s Worthington for 4.. 18.. 0
payable . . . Ordered that M^r Rich^d Bickerdick be allowed . . .
for being Clk to this Vestry and findeing . . . makeiug fire for
said Vestry . . . Ab^t Curseing and swearing and for . . . for the
said Vestry the sume of 1250^{lb} . . .

At a Meeting of the Vestry of St. . . the 21st 1715. Present,
Sam^l Skippon, Rector, M^r Benj. Tasker, M^r Jn^o Beale, M^r George
Valentine.

[p. 22] M^r Tho^s Andrews D^r
to S^t Ann's Parish

p^r Contra C^r

Nov. 21st. To y^r ord^r

By work done to

on the Vestry to

the bellfray ̄

pay Jn^o Smith, £ 3..12..0

agree^{mt}, - - £16..0..0

To d ^o to pay Joshua		
Wellsteadt,	-	5.. 0..6
To d ^o to Phillip		
Riley,	-	7..6
To d ^o to W ^m Bennet	1..	5..0
To an ord ^r ou M ^r		
Tho ^s Worthington		
to pay you	-	5..15..6
		<hr/>
		£16.. 0..0

The above acc^t as above stated allowed of ₤ Tho^s Andrews.

Mr Thomas Worthington D ^r	₤ Contra
to St. Ann's Parish Nov. 4 th 1715	₤ the
Sept. 12 th 1715. To	ord ^r
your note then	
past to the Vestry	
of the s ^d Parish, £30..0..0	

... eeting of the Vestry of S^t Anne's at Annapolis ffeb. the 21 1715. Present, The reverend M^r Sam^l Skippon, John Beale, M^r George Valentine, M^r Benj. Tasker. . . . Valentine sell the sum of 2951^{lb} tob^o due to the . . . nolds at the rate of 2^d ₤ £ and draw his order . . . which shall be good to discharge the said . . . and that the said George Valentine account . . . money that he shall receive for the sale of the same.

Att a meeting of the Vestry of S^t Anne's at Annapolis March the 6th 1715. Present, M^r Samuel Skippon, Rector, Sam^l Young Esq^r, M^r Jn^o Beale, M^r Benj. Tasker, Vestrymen. Ordered that M^r George Valentine Empowered by the Vestry to sell the said Tobacco at 2^d ₤ pound have Discretionary Orders given him in the . . . that he shall not sell for Less than fifteen . . . shill. Currency . . . that since the meeting of the last Vestry there have been . . . and the Vestry is apprehensive Least the price.

St. Anne's Parish at Annapolis held April 2^d 1716. Present, M^r Sam^l Skippon, Rector, M^r John Beale, M^r George Valentine, Vestrymen. . . . of the said Parish then met together, make . . .

M^r Evan Jones for Vestrymen in the Roome of . . . Warfield, and M^r John . . . & M^r . . . wardens in the Roome of M^r James Croke¹ & . . .

Att a Vestry of S^t Ann's parish at Annap^s 1716. Present, The Reverend M^r Skippon, Rector, M^r John Beale, M^r George Valentine, M^r Benjⁿ Tasker. Appeared M^r Jn^o . . . and M^r Jn^o Dodd Church Wardens, Chosen for the ensuing year and took Severall Oaths appointed by law as also the oath of Church wardens and severally subscribed the oath of Adjuration and Test. Also appeared M^r Evan Jones one of the new Vestry and made [p. 24] Choyce of for the ensueing year and took the sev^{ll} Oaths appointed by Law as also the oath of Vestryman and subscrib'd the Oath of Abjuratⁿ & Test and took his place in the said Vestry accordingly.

Ordered that M^r George Valentine pay M^r Jn^o Dodd and Rich^d Bickardicke what is due to them ꝑ their acc^t produced and allowed this Vestry, and he shall receive money for the tob^o he was ordered to Sell & take the said Dodds & Bickerdikes receipts.

Att a Vestry of S^t Ann's Parish held June 12th 1716. Present, The Reverend M^r Sam^l Skippon Rector, M^r Jn^o Beale, M^r Geo. Valentine, M^r Benjⁿ Tasker, M^r Evan Jones, Wornel Hunt Esq^r Vestrymen, M^r John Baldwin Church warden.

Ordered that M^r George Valentine be directed to pay Cap^t Henry Tipps² ord^r on the Vestry for two pounds Currency due to him for five hundred & twenty foot of plank and payable to M^r Jn^o Michiel.

Ordered that M^r George Valentine do pay M^r John Baldwin the sum of twelve shill^s Currency due to the s^d Baldwin for Twelve sleepers for the floor of the Vestry Room.

Wornell Hunt Esq^r was sworn Vestryman and took his place accordingly.

Att a meeting of the Vestry of St. Anne's Parish Septemb^r 4th 1716. Present The reverend M^r Samuel Skippon, rector

¹ Crook or Crooke.

² Tripp, see p. 350.

[p. 25] M^r John Beale, M^r Geo. Valentine, M^r Benjⁿ Tasker, Vestrymen.

Thomas Cook and John Smith brought in their Several Accounts to the Vestry for work done in the Vicaridge house Viz—for new Topping the Chimney makeing a new back, breaking out a way for and makeing staires to the Cellar a pair of folding doors and other work which accounts were allowed, And ordered that M^r George Valentine do pay them out of what mony remains in his hands of the s^d Vestry's.

Ordered that the af^d M^r George Valentine do pay M^r James Crook his acc^t for wine &c for the parish use.

Att a meeting of the Vestry of S^t Anns parish November the 6th 1716. Present The reverend M^r Sam^l Skippon Rector, M^r John Beale, M^r Geo. Valentine, M^r Wornell Hunt Vestrymen.

Ordered that application be made to the Justices of Ann^l County for the allow^e of the ten ₤ poll for the defraying the publick Charge for the ensueing year the Church wanting some repairing.

An order drawn on M^r Tho^s Reynolds to pay Rich^d Bickerdick or ord^r nine hundred p^{ds} of Tob^o for his Sallary as Clk of the Vestry and tolling the Bell.

Att a Meeting of the Vestry of S^t Anne's Parish held Jan. 1st 1716. Present, The Rev^d M^r Sam^l Skippon, Rector, M^r George Valentine, M^r Benjⁿ Tasker, M^r Evan Jones, Vestrymen. Ordered that M^r George Valentine sell the sum of five thousand Pounds of Tob^o due to the Vestry from M^r Thomas Reynolds high Sherr. of this County to the best advantage he Can and draw his order on the said sherr. for the same which shall be good to Discharge the said sherr. from the said Tob^o and that the s^d George Valentine do acc^t with the Vestry for the mony he shall receive for s^d Tob^o. Ordered that M^r Thomas Reynolds have notice given him to Give his attendance at the next Vestry Day in order to make up his Accounts with said Vestry.

Ordered that Directions be given to the Church Wardens to Speak to some Experienc'd Workman to Inspect the Roof of the

Church & find out where it is faulty and mend it. And that the s^d Workman be spoken to, to place a new Sill under the frame of fret work at the North Door of the said Church.

Att a meeting of the Vestry of S^t Ann's Parish held Jan^{ry} the 1st 1716. Present, The Reverend M^r Sam^l Skippon, M^r John Beale, Sam^l Young Esq^r, M^r George Valentine, M^r Evan Jones.

Feb. 12th 1714. M^r Thomas Reynolds sherr. A. A. County. D^r
To Ball. then due to the Vestry of S^t Ann's parish, - 8386

D^o D^r

1715. To Ball. due as £ Contra, - - - - 736

To 5 £ poll of 443 Tax, - - - - 2215

2951

[p. 27] Ditto D^r

1715. To ball. due as £ Contra, - - - - 1449

1716. To 10 £ poll of 497, - - - - 4970

6419

C^r Contra C^r

Sept. 12th 1715. By the Vestry's order on you to pay M^r
Tho^s Worthington, - - - - 6000

Nov^r 4th. By D^o order on you to pay M^r Ben.
Tasker, - - - - 400

By d^o ord^r on you to pay M^r Ric^d
Bickerdike, - - - - 1250

Ball. Due, - - - 736

8386

D^o C^r

By Sallary for Collecting of 2215 @ 5 £ Cent, - - 111

By what he paid M^r Geo. Valentine for Acc^t of the Vestry, 1391

1502

1449

2951

	D ^o	C ^r	
1716. By ord ^r to pay Rich ^d Bickerdike,	-	-	900
By Sallary for Collecting of 4970 @ 5 ¢,	-	-	249
			<hr/> 1149
Ball. due,	-	-	5270
			<hr/> 6419

Feb. 5th 17^{16/17}. Then the above Acc^t as above stated made up and allowed of.

¢ Tho^s Reynolds, Sherr.

Att a meeting of the Vestry of St Anne's Parish held March 15th 17^{16/17}. Present, The reverend M^r Samuel Skippon, Rector, M^r George Valentine, M^r Evan Jones, M^r Benjⁿ Tasker, Vestrymen. Received from M^r Bickerdike the sum of two pounds [p. 28] Curr^t money paid him by Wornell Hunt Esq^r for burying his Daughter Henrietta in the Church. Ordered that M^r Bickardike put up the Church yard pales where wanting and once a year bring in his Acc^t to the Vestry which shall be allowed him. Paid to Richard Bickardick for Washing the Surplice tenn shill. Curr^t money.

Att a meeting of the Vestry Aprill the 8th 1717. Present The Rev^d Samuel Skippon Rector, M^r John Beale, M^r George Valentine, M^r Evan Jones, Vestrymen.

An order Drawn on M^r George Valentine for - 4.. 1.. 6 payable to M^r Amos Garrett in full of his Account.

Att a meeting of the Vestry Aprill the 22^d 1717. Vestry present M^r Samuel Skippon, Samuel Young Esq^r, Jon^o Beale, M^r George Valentine & M^r Benjⁿ Tasker. Who make Choice of M^r Jn^o Gresham and M^r James Croke Vestrymen in the room of Sam^l Young & Wornell Hunt Esq^{rs}, M^r John Carpenter and M^r Jost. Engelhardt Kühn Chosen Church wardens in the room of M^r John Dodd & M^r Jn^o Baldwin.

An Order Drawn on M^r Geo. Valentine for 4.. 6.. 6 Curr^y mony payable to M^r Jn^o Dodd in full of his Acc^t.

An order likewise drawn of the same Valentine for one p^d thirteen shill & two pence half penny payable to M^r Rich^d Bickerdick in full of his Account.

[p. 29] An order likewise drawn on M^r Valentine for 5^s.. 9^d payable to M^r Philip Riley in full of his Account.

Att a Vestry held for St. Ann's Parish May 7th 1717. Present, The Reverend M^r Samuel Skippon Rector, M^r John Beale, M^r Evan Jones, M^r Benj. Tasker, M^r James Crooke, Vestrymen, M^r Jost Engelhardt Kühn Church Warden. M^r James Crook appeared and took the severall Oaths appointed by Law and subscribed the Oath of Abjuration and Test and likewise took the Oath of a Vestryman and took his place as Vestryman accordingly. M^r Jost Engelhardt Kühn Elected Church warden for the ensuing year took the severall Oaths appointed by Law as also the Oath of a Church Warden and subscribed the Oath of abjuration and Test, upon which the Church plate Viz. two flaggons, One Chalice, One dish, two Salvers, one holland Table Cloath and three Napkins were delivered into his Custody.

At a Vestry held for St. Anne's Parish June 4th 1717. Present, The Reverend M^r Samuel Skippon Rector, M^r John Beale, M^r George Valentine, M^r Benjⁿ Tasker, M^r Evan Jones, Vestrymen, M^r Jost Engelhardt Kühn Church warden, M^r John Carpenter Church warden Elect. Agreed in behalf of the Parishioners of this Parish to petition the Gen^l Assembly for Leave [p. 30] to put Locks on the Publick Pews, & to dispose of them to such as shall be willing to purchase them, with a Reservation of Right to the said Gen^l Assembly at all publick Times. M^r John Carpenter Church warden Elect for the ensuing year, appear'd; and informed the vestry that he was bound for England in about a fortnights Time, & therefore prayed he might be excused from serving as Church warden, which was allowed as a sufficient Excuse. Resolved that immediately after M^r Carpenter's departure, notice be given to the Parishioners to meet and chuse a new Church warden in his Room.

At a Vestry held for St Anne's Parish October 29th 1717.

Present, The Rev^d M^r Sam^l Skippon Rector, M^r John Beale, M^r George Valentine, M^r Benj. Tasker, M^r Evan Jones, M^r Bernard White Church warden. M^r Bernard White was Chosen by the Rector Church warden in the Room of M^r John Carpenter lately gone for England, who accordingly is present, and takes the Oath of a Church warden, & the severall Oaths appointed by Law & subscribed the oath of Abjuration & Test.

Att a Vestry held for S^t Ann's Parish Novemb^r 7 1717. Present, The Revern^d M^r Sam^l Skippon Rect^r, M^r Jn^o Beale, M^r Geo. Valentine, M^r Benjⁿ Tasker, Vestrymen. Ord^d that application be made to the Justices of Ann Arund^l Co^{ty} for the [p. 31] allowance of ten ₤ poll for the defraying the Publick Charges for the Ensuing year the Church wanting some repairs.

At a Vestry held for S^t Ann's Parish Dec^r the 4th 1717. Present, The Rev^d M^r Sam^l Skippon Rector, M^r John Beale, M^r Evan Jones, M^r Geo. Valentine, M^r John Gresham. M^r John Gresham takes the severall Oaths app^d by Act of Assembly as also the Oath of Vestryman and subscribes the Oath of abjuration & test. M^r Richard Evans by Majority of voats of the freeholders of this parish is Chosen Church Warden in the room of M^r Kühn Deceased. Ordered that M^r Sam^l Skippon Give an order on the Sher. to pay M^r Rich^d Bickerdike the sume of nine hundred pounds of tob^o out of the ten ₤ poll levyed for the use of this parish due to him as Clk of the Vestry & for tolling the bell.

Att a Vestry held for St. Ann's parish ffeb. the 4th 1717. Present, M^r Sam^l Skippon Rector, Jn^o Beale, M^r Evan Jones, M^r Jn^o Gresham, Vestrymen. Order'd that Richard Bickerdike, Clerk of the Vestry, give publick notice to the Parishioners of this Parish, that the vestry will Dispose of what Tobacco they have in their Hands of the 10 ₤ poll, to the Highest Bidder, on Tuesday the 18th Instant.

[p. 32] At a Vestry held for S^t Anne's Parish ffeb^{ry} the 18th 1717. Present, M^r Samuel Skippon Rector, M^r John Beale, M^r

George Valentine, M^r Benjⁿ Tasker, M^r John Gresham, Vestrymen, M^r Bernard White, M^r Richard Evans, Church wardens. M^r Benjⁿ Tasker being the highest Bidder has purchased the Vestry's Tobacco being 4200^{lb} of Tob^o at 17/0 p hundred wch amounts according to that Rate to Curr^t Money - - - £35..14..0 besides w^{ch} the said M^r Tasker is indebted to Ballance

for nails bought of M^r Garret, - - - 00.. 7..6

£36.. 1..6

Order'd that M^r George Valentine do lay his accounts of the Vestry's money for their Tob^o sold by him last year before s^d Vestry next Vestry Day. Order'd that M^r Skippon go & Inspect some Linnen at M^r Gresham's & chuse & agree for as much as will make a new Surplice the old one being Decayed.

The Vestry having some Current money now in their hands, it is Ordered that notes be set up to give notice that they will change s^d money for good Bills & will allow reasonable advance for them and it is also hereby order'd that M^r Beale do purchase said Bills at the cheapest Rates he cau, & not allow more than 20 p Cent.

At a Vestry Held for S^t Anne's Parish March the 4th 1717. [p. 33] Present, M^r Samuel Skippon, M^r John Beale, M^r George Valentine, M^r John Gresham, M^r Benjⁿ Tasker, Vestrymen. Ordered that M^r George Valentine do bring what money he has of the Vestry's now in his Hand, & pay it in to said Vestry next Vestry Day.

At a Vestry held for S^t Anne's Parish April the 14th 1718. The Rev^d M^r Samuel Skippon, Rector, M^r George Valentine, M^r Benjⁿ Tasker, M^r James Crook, Vestrymen. The Rector and the Inhabitants of this Parish unanimously make choice of M^r Richard Young & M^r Hugh Kennedy for Church wardens for the ensuing year instead of M^r Bernard White & M^r Richard Evans late Church Wardens. Thomas Williams brought in his Acc^{ts} for work done by the little Door of the Church, in setting up & painting four new Locust Posts & a new Locust Sill &c., & allow'd him three p^{ds} five shill. & accordingly an Order drawn

on M^r Valentine for said money. M^r Bernard Whites Acc^t for Wine & other parochial charges amounting to 1..3..0 current money & M^r Rich^d Evan's acc^t for wine &c. amounting to 0..12..6 and M^r Bickerdiks account for mending the church yard Pales 0..6..8 read & allowed & ordered drawn on M^r George Valentine for said money.

[p. 34] At a meeting of the Vestry of S^t Anne's Parish April 21st 1718. The Rev^d M^r Samuel Skippon Rector, M^r John Beale, M^r George Valentine, M^r Benjⁿ Tasker, M^r James Crook, M^r John Gresham, Vestrymen. M^r John Gresham brought in his Acc^t amounting to £4..2..0 being for Holland for a new Surplice & an Order thereupon is drawn upon M^r George Valentine for the Payment of said money. M^r Richard Young & M^r Hugh Kennedy Church wardens Elect for the year ensuing appeared and took the severall Oaths appointed by Law, & likewise the Oath of a Church warden, & severally subscribed the Oath of Abjuration & Test, whereupon Order'd that the Church Plate & Linnen be delivered to M^r Hugh Kennedy one of the church wardens. Order'd that the Gentlemen of the Vestry meet on Wednesday next at 5 of the Clock in the evening to deliberate further about the two Lots lately entred upon by M^r Gresham. Agreed to draw up a Petition to the Governour & Upper & Lower Houses of Assembly.

At a Meeting of the Vestry April 23^d 1718. There being none present but the Rector the meeting was adjourned till the first Tuesday in May.

May 6th 1718. There being none present but the Rector the meeting of the Vestry was adjourned till Tuesday June 10th 1718.

[p. 35] At a meeting of the Vestry of S^t Anne's Parish June 10th 1718. Present the Rector & M^r Tasker. There not being a sufficient number to a make a Vestry adjourn'd further till Saturday the 14th Instant at 4 of the Clock in the Evening. There was no Vestry June the 14th.

At a meeting of the Vestry of St. Anne's Parish July 7th 1718.

Present the Rector, M^r Beale & M^r Valentine and there not being a sufficient number to constitute a Vestry, Adjourn'd till Saturday the 12th Instant. There was no Vestry July 12th.

At a meeting of the Vestry of St Anne's Parish October 7th 1718. Present Samuel Skippon Rector, M^r Benjⁿ Tasker, M^r Evan Jones, M^r John Gresham, Vestrymen. Susan Allein's Account for making a new surplice & mending the Old one amounting to One Pound Ten shill. Current money was ready and Allowed, an order drawn on M^r Benj^a Tasker for said money. M^r Tasker in behalf of M^{rs} Bladen prays Leave of the Vestry to make a Vault for a Burying Place for herself & family; granted that she have Liberty to make a vault not exceeding ten foot square, she paying to the vestry such a sum as they shall think Reasonable upon further Consultation, and that in the mean time she may proceed in making said vault.

At a Meeting of the Vestry of St Anne's Parish Nov^r 6th 1718. [p. 36] Present, Samuel Skippon Rector, M^r John Beale, M^r Benjⁿ Tasker, Vestrymen. There not being a sufficient number to constitute a Vestry adjourn'd further till Saturday the 8th Instant. The Inhabitants & Freeholders of this Parish met & unanimously made Choice of Thomas Bordley Esq^r for a Vestryman in the Room of M^r George Valentine Deceased.

At a meeting of the Vestry of St Anne's Parish, Novem^r 8th 1718. M^r Thomas Bordley lately elected Vestryman of this Parish appear'd and took the Oath of a Vestryman, & the several Oaths appointed by Act of Assembly & Subscrib'd the Oath of Abjuration & Test, & took his place as Vestryman accordingly. Thomas Cook brought his account for work done in the Vestry Room, and allowed him Two Pounds Curr^t Money. And an order drawn on M^r Benjⁿ Tasker for said money.

Agreed that Application be made to the Justices of Ann Arundell County for five Pounds of Tob^o & poll, for repairs of the Church & other Parish Charges.

Memorandum.—There were present at this Vestry Nov^r 8th 1718, M^r Sam^l Skippon Rector, M^r John Beale, M^r Benj. Tasker, M^r John Gresham Vestryman, and M^r Tho^s Bordley Vestryman.

At a meeting of the Vestry of S^t Anne's Parish Feb. 3^d 17^{18/9}. Present, The Rev^d M^r Sam^l Skippon, Rector, M^r John [p. 37] Beale, M^r Evan Jones, M^r John Gresham, M^r Tho^s Bordley, Vestrymen. Resolv'd to enquire how the late M^r George Valentine has discharg'd himself of 1391 p^{ds} of Tob^o paid him by the Sher. of Ann Ar^{ll} Co^{ty} Anno Dom. 1715 on Acc^t of the Vestry.

In Pursuance of the above Resolution the Vestry examin'd the Acc^t of s^d Valentine, and find that by Order of the Vestry he has p^d as follows viz.

To John Smith	-	-	-	-	-	-	1..10..0
To John Baldwin	-	-	-	-	-	-	—..12..0
To Tho ^s Cook	-	-	-	-	-	-	2.. 5..0
To John Dodd	-	-	-	-	-	-	2.. 0..6
To M ^r Crook	-	-	-	-	-	-	—..16..0
To Rich ^d Bickerdike	-	-	-	-	-	-	1.. 3..6
To John Mitchel in full of Trips order	-	-	-	-	-	-	2.. 0..0

£10..7..0

Which Ten Pounds seven shill. is allow'd by the vestry as a sufficient Discharge for the sum of 1391 Pounds of Tobacco above mention'd, sold by s^d Valentine at the Rate of fifteen Shill^s ⷈ hundred, according to a former order of Vestry.

The said M^r George Valentine according to an Order of Vestry bearing Date Jan^{ry} 1st 171^{6/7} sold 5000 Pounds of Tobacco at fifteen shill^s ⷈ hundred w^{ch} amounts to £37..10..— out of which we find he has paid the sums following viz.

To M ^r Garret	-	-	-	-	-	-	4..11..6
To M ^r Dodd	-	-	-	-	-	-	4.. 6..6
To Rich ^d Bickerdick	-	-	-	-	-	-	1..13..2½
To Philip Riley	-	-	-	-	-	-	0.. 5..9
To D ^o Riley more	-	-	-	-	-	-	—.. 4..6
[p. 38] To Tho ^s Williams	-	-	-	-	-	-	3.. 5..0
To Bernard White	-	-	-	-	-	-	1.. 3..0
To Rich ^d Evans	-	-	-	-	-	-	—..12..6
To Rich ^d Bickerdick	-	-	-	-	-	-	—.. 6..8

To M ^r Gresham	-	-	-	-	-	-	4.. 2..0
To Michael Jenifer	-	-	-	-	-	-	0..10..0

£21..0..7½

Ball Due to the Vestry 16..9..4½

22 ^d Ditto p ^d M ^r Jn ^o Gresham for Holland for a new Surplice as p acc ^t and rec ^t fil'd	-	-	-	-	4.. 2
Oct. 7 th D ^o p ^d M ^r Jn ^o Beall Assignee of Susan Alein for making the new Surplice & mending the Old one as p Acc ^t & Rec ^t fil'd	-	-	-	-	1..10
Nov. 8 th D ^o paid Tho ^s Cook for work done in the Vestry room as p acc ^t &c. fil'd	-	-	-	-	2.. 0

Total £7..12

Brought over from pag. 108 77..14..6

from " 109 88..13..9

" " 110 61..19..6½

£235..19..9½

(To be Continued.)

LETTERS FROM TWO MARYLAND PIONEERS IN
KENTUCKY (1789-1793.)

CONTRIBUTED BY FRANCIS B. CULVER.

[*Introductory Notice.*—Kentucky was first discovered in 1767 by a party of hunters under John Finley, and, in 1769, Daniel Boone led a band of bold adventurers across the mountains and entered Kentucky by way of Cumberland Gap.

From that time there commenced a movement of emigration to the new territory.

The conquest and settlement of that region belongs to the period of the Revolutionary War. When the news of the battle of Lexington reached the ears of a party of hunters in the interior of Kentucky, they gave the name of Lexington to their camp.

After the Revolution a strong tide of immigration set in, to which Virginia largely contributed and in which Maryland, also, had a part.

In 1792, Kentucky was admitted into the Union as a state.

References to the Wilmot family, of Baltimore County, will be found in Vol. v, No. 4, and Vol. vi, No. 2, of the *Maryland Historical Magazine*.—F. B. C.]

[John Wilmot to Benjamin Talbott, of Baltimore County, Md.]

Kentucky Bourbon County January 24th 1789.

Dear Sisters & Brothers & freinds—haveing an Opertunity to Rite you I intend to give you a Short Account of our journey to this Country tho it was a very tedeous one. the first Day of October 1788 we set off—the 28th Day of the same Month we all arrived at Mr. Oingsis Mill on Monnegahale. there we staid nine Days waiting for the botes. I think we met with no more hardship nor Difficulty than we might Reasonably expect on our journey to that place. we laid by eight Days & traveld twenty. we was very heavy loaded & cood travel but slo.

the sixth Day of November brother Robert & Mr. hall with all three of our familes except myself went on bord the botes & floted down the River, John Cockey Oings & myself with the

negro boys drove the horses by land down to the mouth of Buffolo where we arrived in three Days. the botes arrived at the same place in six Days. there was much bad weather at the time, the boats laid by near three Days out of the six. I went on borde at that place and tooke all the horses in & in three Days & four Nights more we arrived at lime stone.¹ A short and pleasant Passage doun the River we had after I went on bord. Some of us was on shore every Day shooteing turkeys & kild as many as we cood eat the most of the way down the River. We staid at lime stone several Days and then proceed on our journey by land. the Rodes being very bad we was ableged to leave the half of our goods at the River and have not brought them yiet.

the 27th of November we arrived at this place wich is ten miles from lexington. we got an empty cabin wich brother Roberts famile and mine lived in five weeks. then I movd of about half a mile whare I expect to make a crop on rented land. I have not purchased any land yiet nor shant tel I see more of the Country.

I think we have been grately favoured throughout our journey thanks bee to Almity God for it. We have had our helth reasonable wel tho we was exposed to the cold & wet weather.

I have given you some account of our journey, I will give you some smal account of the Country as far as I am Able.

the land as far as I have travled wich is about 70 miles in lenth and about 20 miles across the Country is very rich except about 10 miles wich is very pore hilly & stony. the Rest is levil. A beautiful soil not a stone to be seen except in branches or Creeks & I have Reason to beleave this rich body of land extends much further than I have seen.

likewise I am creadible informed there is in this Country large bodeys of broken hilly pore land such as no person could live on only servaid to sell to those that never saw it.—I advise you all never to buy land without seing it first unless you can depend on the person that sels it to you tho he shood offer

¹ Now Maysville, Ky.

it for six pence per acre. I have been offerd land for three pound ₤ hundred since I came heare tho I wood not have it as a Gift. a great Deel of this bad land lays on licking, the prise of good land is from 10 to 12 shillings ₤ acre in the Settlement, Virginny Money. out of the Settlement it may be had for a Dollar ₤ acre. for my part I am not disapointed. hear is peace and plenty except on some part of the frontears whare the Savages is frequently stealing horses.

but in the Settlement I beleve we are as fre from Danger as you are in baltimore. I am much pleasd with the Country. I think it will bee the best part of North Amerycia. We have a trade with the Spannards wich is a great help for this Country. they receive our tobacko. Give for it money or Goods. A number of Men have gone to the Spannards and got pasports from the Governor to trade there as much as they pleas.

I can not assert what is the comon produce of this land but I have Reason to beleave it yields from 10 to 12 barreles of corn per acre.

I did promis to Rite to several of my freinds but must omit it at preset as I wood wish to see more of the Country first as I might then give them more satisfaction. I write no one in particular but I write you all togeather for this time expecting to hear from you all the first opertunity. My family is all in good health & desires to be remembered to you all.

Corn heare is from six shillings to ten ₤ barrel. Pork fifteen shillings ₤ hundred. beef sixteen. horses is much cheaper heare than they are with you. Sheap is 20 shilling a head. theare is fine Range heare in the Woods for creators, tho the corn is much hurt with the frost in some places.

I had like to forget to mention the water. I find it is good except in some particular places and much plentier than I expected to find it.

When you write direct to Grants Old Station Burbon County which is the place where I now live. So I wil bid you all farewell till the next opertunity.

[signed]

J. WILLMOTT.

[Robert Wilmot to Benjamin Talbott.]

Oct. 3. 1791.

D^r Sir.—I imbrace this favourable oppertunity by Mr. Killey who is comming to baltimore, to let you kno that we are all well through the mercy of God. the offis is opened to survey the officers land of the Contineltle line, and as we all are concerned in this land of billes,¹ and as it is out my power to luck after it, I think it would be well done in you to do it. we must all be[ar] a proposionable part of the expence. the office is kept at Philadelphia and if you get the Warrents mine can be got at the same time, and then I will engage to lay the warrents and have the Rest of the business done.

A copy of the will out of the office & the county seal to it & a power of aturney will do the business I am informed.

tell my Acquaintances that has a nosiou of seeing this Country not to halt between two opionions. that bugaboo of the Indians is quite removed out of the way.

I give my love with Priscys² to my dear Sister and family Uncle & Aunt with the family & Connecision & to others if they inquire after us. farewell, & if it is out of our powers to meet heare let us strive to meet in heaven. from Yours

[signed] ROBT. WILLMOTT.

[Same to the same.]

Decem^r 26th 1793.

D^r Brother & Sister.—I am happy to receave a letter once more from your kind hand, likewise to heare that my old uncle³ and aunt³ are in the land of the living with all the family Connecision. likewise it gives me satisfaction to heare you wish

¹ "Billy," or Captain William Wilmot, of the Maryland Line, killed 14 November, 1782.

² Lieut. Robert Wilmot married Priscilla Ridgely Dorsey.

³ Richard Wilmot (b. 1719), and his wife, Mary (Gittings) Wilmot (b. 1725).

that you ware settled in our Nibourhood that is if it ware so best. I have some Expectation of seeing Johny & Vinsin [Vincent] next fall from what I heare. if it sutes them best I shall be glad to see them & if they cant sute themselves better I should be glad they would not stop short of my house & if I can heare of their arrival I shall go to limestone¹ to meet them. there is at present two small clover [farms?] & Good Improvements of about 150 acres each in the Nibourhood of Brother Johny now for sale tho I expect they will soon be gone. Crops are very good in common here tho I have not done any grate things. I made this year about 400 Barrels off 35 acres. provisions of all kind are plenty. Immagrents to this place are very grate. pourk & Beef are 15 & 16s. pr. hundred, Corn in common from 6 to 7-6 pr. Barrel, wheat 3s.-6 pr. Bushl. People expoart a deel from this place doun the Ohio & a deel to the armys. the french is recruiting men to take possession of the Spanish settlements in this Western Country & then I expect that there will be a Call for all our produse of all kinds & the prise of land will raise. I can get 1000 pounds this money for four hundred & fifty acres whare I live tho good land may be had yet for 50 & 60 pds. pr. hund. but if I had Cash to spare I should lay it out whare I could get it for 25 pr. hundred.

Mr. W. Macubbins Letter is now befoure me. he informs me that he stoped the money by my² the expense of a land comm² of it but I never agreed to bare any part of it as I no of but as he sais it is of an advantage to me, I ant against "baring a part of the burthen of the Commission with my nibours that are likewise Interested, but not more than that account as I never agreed to that much itself. I should be glad to heare something of it in your next letter. Please to give my complements to Mr. Maccubbin & fammily. As I am satisfied that there is something considerable comming to me in the Lime-kills account tell Billy Stansbury he may acknowledge befoure witnesses that the long unsettled state of our accounts shant

¹ Now Maysville, Ky.

² Text mutilated.

make any ado to the settlement of them & I will befoure his Brother heare so that they may be Settled in futer Day. I no that they are considerable in my favour. give my love to my dear sister & family & all the connexion & remain Your Affectionately

[signed] ROBT. WILLMOTT.

Give my respects to W. Stansbury. I should wrote to him but time was short. Priscys love to you & Sally¹ & all brothers & sisters & all inquiring freinds.

JOHN KILTY ON THE AGENT'S SALARY.

[Executive Archives.]

[John Kilty was born in England in 1756; educated at St. Omer's College, France; appointed by the Convention of Maryland, July, 1776, ensign in Capt. Edward Tillard's company, 3d Md. battalion; 2d Lieutenant in 4th Md. Regt. December, 1776; 1st Lieutenant, 1777; Lieutenant in Baylor's 3d Regt. Light Dragoons, to February, 1782, and Captain in same from that date. He was a member of the Governor's Council from 1786 to 1793; appointed by President Washington Supervisor of the Revenue of the U. S. in Md. June, 1795; Register of the Land Office 1806; Adjutant General 7th July, 1810; died at Annapolis May 27th, 1811. An obituary notice in the *American* of Thursday, May 30th, 1811, said of him: "His demise is truly an irreparable loss to a numerous family, to the State, and to society in general. In our revolutionary contest he shared the dangers of the field and reaped a portion of his reward in British dungeons. He has spent much of his time usefully in literary pursuits. Whether we regard him as a soldier or a civilian, his talents were of a higher order—eminent at the bar and brave in the field, he won the affection and commanded the respect of all who knew him."]

The following resolution was proposed by the Honbl. John Kilty, Esq.

Whereas this Board did on the 20th of April 1786 in virtue of powers vested in them by Law, appoint Daniel of St. Thomas Jenifer Esq. Agent for special purposes, and did in consideration of the trouble and expence to be incurred in the execution of his duty agree to allow him a salary at the rate of five hundred

¹ Sarah Wilmot, a sister of Lieut. Robert Wilmot and wife of Benjamin Talbott, of Baltimore County.

pounds per annum, and a commission of 1 1/2 per cent on all confiscated british property hereafter to be sold by him,—and whereas it appears that from the low condition of the State in point of credit and finances, he has been able but in a very small degree to carry the purposes of his appointment into effect; and as it appears by his letter of this day in answer to the enquiry of the Board that he believes the two principal objects of his appointment are not further attainable. Resolved that from and after the 25th day of Jan^y the said salary of five hundred pounds shall cease—that the said Agent remain entitled to the commission aforesaid, and that the Board will hereafter make him reasonable compensation for any services which contrary to present expectation he may be enabled to perform.

On the question to agree to the resolution

His Exc^y the Governor & } were in the negative.
The honble James Brice Esq. }

Affirmative the honbl { John Kilty
 { John Davidson.

The resolution being lost by an equal number of votes, the Honbl John Kilty agreeably to his constitutional privilege requires that the opinions of the Members on this subject be given in writing and filed among the records of the Board.

The opinions of the Honbl John Kilty and John Davidson Esqrs were given in and filed accordingly.

The agent being confessedly unable to perform the services expected, my opinion is that it is *proper* and *necessary* that his salary should be either lessened or wholly discontinued by an act of this Board.

When I say that such an act is proper, it follows that I hold it to be within our powers; and I ground this opinion on the title and whole context of the Law under which the agent was appointed. The act purports to entrust with the Executive the carrying into effect certain measures therein mentioned, but as it was impracticable for this body to execute personally the services directed, they are permitted to assign the active perform-

ance to others and to secure the faithful and diligent services of the persons so to be employed, by allowing them a commission, salary or other reward, as they may think proper. The unusual latitude here given to the Board, together with the constant control vested in them over these agents expressly in the principal matters, and (as I contend) impliedly in the rest, prove to me that the Executive being thus amply furnished with the means of carrying the intentions of the Legislature into effect, are accountable for the performance, and more particularly for the expence of these services, when they are vested with so unlimited a confidence in that article.

Waving any farther direct arguments, I shall reason for a moment on the consequences of the opposite position in two possible cases. The Board might in the first instance have divided these duties among four persons, and have assigned a salary to each ; it is evident from present facts that this arrangement would have been improvident. On the other hand let us suppose that the duties undertaken by the present agent had proved too arduous and extensive for one person to execute. As in the first case, economy would have suggested the idea of consolidating the different departments, so in the latter, a view to the due execution of the Law would have pointed out the expediency of separating the tasks ; but agreeably to the doctrine which has obtained on this occasion, neither of these remedies could take place. In the first case the agents might live on the public money without doing a single act of Service ; in the other, different duties requiring at the same time the attention of the officer, some of them must be neglected. I ask then, what part of the Law in question denies the authority of the Executive to remedy a confessed evil, resulting from their own act ; which act moreover is grounded on a Law, purporting by its title "to vest certain powers in the Governor and the Council ?"

I would here take occasion to observe that I was not aware of any such difficulty, when having during the last year, the honour of a seat at this Board, I consented to the appointment of the Agent and to the liberal salary which was allowed him. I gave him my voice from a persuasion of his capacity and experience in

the matters to be transacted; and having under this impression been obliged to vote for him, I felt the same obligation to procure his acceptance of the trust by offering him the salary which his services had been usually valued at: But in return I expected the devotion of his whole time and talents to the service of the State; and consequently my idea of the contract went no farther than for so long as he should be thus fully employed. It soon became the opinion of the Board, that funds and credit were wanting to effect the beneficial purposes intended in the agent's appointment. The idea of reducing his salary occurred to me, but was for some time repressed by the languid and discordant spirit which I fear distinguished the administration of that year, and when at length the Board thought it expedient to demand a precise state of his transactions, he insolently declined or neglected to satisfy them. The present Board having in the early part of the late session of Assembly made a similar requisition, it was complied with so far as was sufficient to confirm the opinion hitherto taken from common report—and from that time I remained in the intention to bring his salary to a level with the services performed, if (as it happened) the assembly should not take the matter into full consideration. The resolution accordingly as I at first offered it, proposed a reduction of his salary, but this being disliked, I was content to model it in the present form; which as it contains an engagement that the Board may not always be in a capacity to fulfil, I do not esteem entirely regular.

To all this it may perhaps be answered that the Agent has voluntarily relinquished his salary, and that the thing I contend for is thereby done in effect—true—he has relinquished it. How far the act was voluntary, I shall not determine, but the fact authorizes me to observe that it was done *after* the business had been agitated at the Board, and *before* their authority was brought into debate. But I have said that an act of the Board in this case was *necessary*; and I esteem it so, because the disinterested spirit of the public Servant which seems here to supply the place of authority in the Government is rarely to be expected—and supposing the prospect otherwise, the Board incurs reflection by

receiving as a favour a sacrifice which they are not only authorized but bound to exact with spirit and decision when circumstances require it. It is moreover evident to me that the agent's salary is not effectually annulled by his act. The officers concerned in the payment of the expences of government, are not, nor can they officially be made sensible that the State is exonerated from this article of its disbursements while the act of this Board which created it, remains on the records, uncontradicted by the same or an equal authority, so that the legal representative of the agent (to suppose no possible change in his own mind) might hereafter claim the salary and must receive it, unless the auditing officer's remembrance of past transactions should direct him to the files of the Council for the agent's letter, which when produced would in my apprehension be no absolute bar to the claim.

As the resolution which I proposed has brought on the discussion of another point—viz. the authority of the Executive to remove public Servants of the agent's stamp, I presume it is within my privilege to say something on that subject; more especially as the reasoning I shall use will apply in some measure to the point I have already attempted to prove.

The 48th Section of the form of Government says that "the Governor with the advice and consent of the Council, may suspend or remove any civil officer who has not a commission during good behaviour."—I shall argue from the plain import of the words—"any civil officer"—from the plenitude of intention always to be ascribed to the Constitution; and from the absurdities that must arise from the contrary doctrine, that public Servants of the agent's kind are comprehended in this article.

I contend in the first place that the agent is an officer—if this is questioned, I ask under what general head he is to be placed—It is true he bears the style of Agent; so likewise are a Surveyor; Coroner &c known by their particular titles, but they do not therefore lose the general denomination of Officers—an appellation which I conceive applies to every public servant who exercises a charge circumscribed and guided by definite limits and rules, and from which consequently none can be exempted but the Legis-

lature; the nature of whose authority, (excepting only the obligations imposed on them by the Constitution) is original and unlimited.

If then the Agent is an officer, and his duties are of a civil nature—he must be a “civil officer,” and he is moreover an executive and a subordinate officer. Having as I think brought him to his proper point of consideration, I shall procede to consider the presumable intention of the clause in question.

If it is admitted that our Constitution was intended to be a full and permanent rule of Government, it must of course apply to every object that can arize during its existence. The argument used against our authority in this case is that such officers are not mentioned in the form of Government—Why were they not mentioned?—because the Constitution described only those establishments for which the nature of our Government inculcated a permanent necessity. There was no need for an article empowering the Legislature to create extra offices on urgent occasions—this being evidently a proper legislative authority—therefore though such Officers are not mentioned, they are in contemplation of the Constitution; or else the Legislature, deriving their power from that source alone, have exceeded their authority in making such appointments. If the appointing occasional officers was in contemplation, so likewise must have been their dismissal; for it would be highly absurd to erect a controul over the highest officers of Government, and to leave the inferior ones without a check so long as the Legislature should not be in session; such persons being indepeudent of the Executive would derive an insolent advantage from being related in a remoter degree to the Constitution; and by the same rule their deputies being appointed by the principals, must be out of the reach of the Legislature itself. More inconveniences might be shewn to result from this doctrine, but as it is not the matter immediately in question, I shall proceed to shew that the resolution having been agreed to by a majority of the members present ought to have been entered on the proceedings as the act of the Board. This has been prevented by the vote of the Governor, who derives his right to a voice on such occasions, from that clause in the Act before mentioned “to

vest certain powers" &c. which in contempt and violation of the 36th article of the Constitution prescribes to an independent branch of the Government, a new mode of transacting their business. Here, lest it should be asked why I have not hitherto protested in form against this clause, I beg leave once more to refer for explanation to the transactions of the last year. It is I presume remembered that I then held the clause to be an infringement of our constitutional right; and that as such, my voice was for rejecting it and transacting the matters directed by that Law in the usual manner; two members agreed with me as to the illegality of the clause; but held farther that it vitiated the whole law. As this difference of opinion threatened a total neglect of the Law, I suggested the expedient of consulting such of the Judges of our Superior Courts as were on the spot; and abiding by their decision but the latter part of the proposition was disliked. The business was at length brought on in a manner that enabled me to agree to the execution of the law, without admitting the legality of the clause. On the question whether we should make the appointments directed by the act, I was in the affirmative; because being precluded from the advice of the Judges, I was obliged to have recourse to common reason, which told me that a clause, the last in order, and having no necessary connection with the body of the act, but hastily proposed in the Senate, after the Bill had been sent up by the other House, as complete, could not, if unconstitutional itself, infect and annul the whole Law. Moreover the new doctrine to which I objected was not the propriety (for that was never questioned) but the necessity of the Governor's presence. His Excellency's right to preside at the Board at all times is undoubted—my objection therefore could only be seasonable in the absence of the Governor; when according to the arbitrary prescription of the Legislature the Council would be incapacitated to act under the Law which created far the greater part of their business—the Execution of the Law being determined on by a majority I gave notice that whenever a constitutional quorum should be assembled, I should move for the transacting any matter that presented itself whether arising from the Law or otherwise. I accordingly took the first opportunity

to do so ; my motion was rejected in favour of the clause alluded to ; which being thus received and imposed as a binding rule on the board, by its own act, I contested the matter no more during that year.

The reason why I have at last thought proper to file my dissent to the acquiescence of the Board in this clause is because the consequence which so plainly argues its impropriety has now first arisen—I mean the effectual negative which a proposition must receive from an equal number of votes for and against it. The framers of our government guarded against this inconvenience by providing an umpire where an equal division happened at the Board ; but the Legislature by destroying this necessary quality in the Governor have given room for a case which an entire article of the Constitution was framed to prevent.

My objection to this clause however does not arise solely from the inconvenience it occasions. Had the regulation been abstractedly a good one, I should still have opposed it, because I deny any right in the Legislature to impose new rules of conduct on the Executive by a single act. The only argument I have heard urged in favour of this right is that the powers from time to time vested in the Board by Laws are not derived from the Constitution, and are therefore not among its objects. I know of no difference between authorities given originally by the Constitution and those occasionally confer'd by Laws, but the latter are and the former are not alienable by a single act of the Legislature ; and it may as well be contended that the hand being appended to the arm, and receiving through that channel its powers, does not derive them from the heart, as that the Executive branch of government receiving authorities through the medium of the Legislature does not derive them from the Constitution ; which is the root ; the parent ; and supreme regulator of both.

Are duties thus imposed *constitutional* ? then they have relation to the Constitution and ought to be executed in the manner there pointed out.—Are they *unconstitutional* ?—why then they are repugnant to the Constitution and ought not to have been directed at all. Every public act is liable to a comparison with this fundamental rule ; and according to its consonance or opposition thereto,

must admit one or the other of the foregoing epithets. The duties inculcated by the Law under consideration, are constitutional, because being of an executive nature they are (as the form of Government directs) entrusted with the Executive power. The Constitution is then certainly in contemplation, and its dignity and pre-eminence is such, that all its parts must govern, as far as they apply to, the subject it is called forth to regulate.

In thus hazarding my ideas on the powers of the Executive, I have perhaps advanced some new doctrines; but they are such as result fairly from the Constitution, allowing it the *plenitude* and *superiority* which I deem its obvious and essential qualities. My object is to discover the true nature of our trust; and with whatever earnestness I may seem to urge my opinions, they shall be given up with candour when the truth requires it, but I would rather risk the imputation of a pertinacious adherence to the notions I have formed, than I would stand chargeable with having by a supine acquiescence in gradual infringements, contributed to the diminution of consequence and authority which the Executive branch of Government at this day experiences.

JOHN KILTY.

[Endorsed John Kilty's opinion on the resolution to strike off the Agent's salary, Apl. 18th. 1787.]

LAND NOTES, 1634-1655.

[Continued from p. 270.]

The land notes heretofore printed in this *Magazine* are taken from Land Office Records Liber F, known also as Liber No. 1. (*Archives*, 1, xv.) The present instalment is from Liber A or L. O. R., No. 2, the first 58 pages of which have been lost. The contents of Liber A are much more miscellaneous in character than those of Lib. F, being a daily journal of all official business; other portions of the volume have been printed in the earlier volumes of the *Archives*. For details as to contents of Liber A see *Archives*, 1, xvii. The marginal numbers set in brackets refer to the original pagination of the record book.

[Liber A., Land Office Records.]

May 28th [1647.]

Thomas Munday demandeth 200 acres of Land for transporting himselfe, his Wife, & one child, att his owne charge in th^e yeare 1646 & Edmund Hudson 100 acres for transporting himselfe att the same time, att his owne charge.

warr^t for 300 acres, att th^e head of th^e Kings Creek in New Towne to the Northward of th^e common path where M^r Tompson's land ends.

Rob^t Kedger demandeth 300 acres of Land for transporting himselfe, his Wife & one serv^t calld Miles Riccards (& 100 Acres by assignm^t from Willm Asseter) in th^e yeare 1641 att his owne charge.

Warr^t for 400 Acres of Land uppon th^e North-est branch of th^e Herryng creek.

[61] Rog^e. Baxter's Lease for Crany Poynt.

21th of January 1641.

Know all men by these p^ents th^t wee Robert Huett & Henry Bellamy both of th^e Isle of Kent Plant^{ss} ffor & in consideraⁿ of a certaine summe of Tob: to us by Roger Baxter of th^e Iland afores^d before hand payd, haue bargayned, sould, assigned & made ouer, & by these p^ents doe ffreely, & absolutely sell & make ouer unto th^e s^d Roger Baxter his heyres & Assignes for ever That Poynt of Land next th^e Creeks mouth commonly called the Crainey neck ffrom th^e Poynt, to a great white oake marked wth three notches wth an Axe. Prouided th^t th^e s^d Roger Baxter haue uppon th^e s^d growne sufficient Timber, for a dwelling howse. & ffree Inlett & outlett ffor his hoggs all th^e yeare . . .

Signed & deliuered in p^ence of

John Bennett.

The mrk ☐ of

Robert Huett.

Henry Bellamy

post scrip

In this Bill there is to be payd one Peck of Corne ffor Rent att Kent Mille.

June 7.

Thomas Bushell demandeth 50th acres of Land, assigned to him by Will^m Smoote.

warr^t to Surueyo^r to lay out 50 acres adioyning to th^e Land in his former warr^t.

[70] June 27th 1647.

Rob^t Clerke Surueyo^r certified his survey of a parcell of Land for Willm Smoote neere th^e mouth of th^e herring Creeke &c: contayning & now layd out for three hundred Acres, more or lesse.

Ordered th^t th^e s^d Will^m Smoote shall haue Pattent for th^e s^d Land having taken oath of ffealty to his L^p. . . . In Consideraon th^t Will^m Smoote hath transported himselfe his Wife & two Children into o^r s^d Prouince of Mary-Land in th^e yeare 1646 to plant & inhabite there these p^ents doe giue, grant, & Enfeoffe unto th^e s^d Will^m Smoote all th^t parcell of Land Lying in Patowmeck Ryuer, neare th^e mouth of th^e Herring Creeke, Bounding on th^e East wth th^e Land of Thomas Bushell, . . . layd out for three hundred Acres or thereabouts. To bee holden of us, & o^r heyres as of o^r manno^r of New Towne, in free & common saccage by ffealty only for all services. Yelding & paying therefore yearly att o^r usuall Receipt att S^t Maries six shillings in money sterling, or Three Bushells of Corne, att th^e Natiuity of o^r Lord. Gyuen att S^t Inego's ffort this 12th of June 1647.

Wittnes o^r sd. Leiut. Grall.

Tho: Greene.

June 2^o 1647.

June 27th } Mr Rob^t Clark Surueyo^r made certificate of a parcell
Patented } of Land, Layd out for Rob^t Kedger, on th^e North-east Branch of th^e Herring Creek &c: contayning & now layd out
[71] for fowre hund^d Acres, more or lesse. Ordered th^t th^e s^d Rob^t Kedger shall haue Pattent for th^e s^d Land. hauing taken oath of ffealty to his L^p . . . In consideraōn th^t Rob^t Kedger of th^e Prouince of Mary-Land Bote-wright, hath transported himselfe, his Wife, & one able Man seru^t Into o^r s^d Prouince in th^e yeare 1641 to plant & inhabite there. And th^t th^e s^d Rob^t Kedger hath 100 Acres due to him, by assign^t from Will^m

Assete^r . . . by these p^ents doe give, grant & enfeoffe unto th^e s^d Rob^t Kedger, all th^t parcell of Land, lying on th^e North-east branch of th^e Herring Creek (called Jchcombe ffreehold) . . . now layd out for fowre hund^d Acres, or thereabouts . . .

[78] July 10th.

Richard Bennett demandeth 450 acres of Land due unto him for transporting himselfe his Wife & 5 children att his owne charge into this Prouince in the yeare 1646.

July 18th.

Mr Rob^t Clerk made certificate th 30th May 1647, of a parcell of Land layd out for Will^m Wheateley on th^e East side of [78] Ble[a]ck Creek &c: Contayning & now layd out for 100 Acres.

Ordered by th^e Gouverno^e th^t th^e s^d Will^m Wheateley shall haue Pattent for th^e s^d Land, hauing taken oath of ffealty to his L^p Memorandu^r th^t I Will^m Wheateley doe acknowledge myselfe to owe unto Cuth: ffenwick gent, 130^l of Tob: & cask assig^d to him by Rob^t Clerk surveyo^r being th^e charges of his survey due from mee.

William Wheatley.

Test me Will^m Bretton Clk.

[79] . . . In Consideraōn th^t Will^m Wheateley of th^e pro: of Mary-Land Plant^e hath transported himselfe into o^e s^d pro: in th^e yeare 1643 . . . by these p^ents doe giue grant & Enfeoffe unto th^e s^d Will^m Wheateley all th^t parcell of Land,¹ lying on th^e East side of Bleak-Creek Contayning & now layd out for an hund^d Acres, or thereabouts.

June 7th 1647.

July 24th.

Rob^t Clerk surveyo^e made certificate of a parcell of Land² layd out in the Western branches of th^e Herring Creek &c: for Thomas Bushell Contayning & now layd out for 150 Acres . . .

¹ In margin "Sherwells."

² In margin "Bushell's Rest."

In consideraōn th^t Thomas Bushell of th^e Pro: of Mary-Land Plant^r hath transported himselfe into o^r s^d prouince in th^e yeare 1642 to plant & inhabite there. And th^t th^e s^d Tho: Bushell hath 50 Acres, due to him by assign^t from Will^m Smoote, by these p^ents doe giue, grant & enfeoffe unto th^e s^d Thomas Bushell, all th^t parcell of Land lying in th^e Western branches of th^e Herring-Creek Bounding on th^e West wth th^e land of Will^m Smoote; On th^e East wth a branch of th^e Herring-Creek, called Turkey-Branch: On th^e South wth the Herring-Creek On th^e north wth [80] a line drawn from th^e head of Turkey-branch West unto th^e Land of Will^m Smoote, Contayning & now layd out for one hundred & fifty Acres.

[81] Augus. 3^d.

M^r Rob^t Clark Surueyo^e made certificate th^e 14th July 1647 of a parcell of Land layd out for John Grimesditch on th^e East side of Brittanie Bay towards the head thereof &c. . . .

[82] Aug^t 30th 1647.

Robert Holt demandeth fower hundred acres of Land dew unto hym for transporting, hymself his wif and fower Childeren at his owne charges in to this Prouince in the yeare 1646.

warrn^t to the Survey^e for two hundred acre: on the north side of Pato: Riuer next the herr: Creeke west of the Land of Will: Smoote.

[83] Sept: 3^d.

Robert Clarke survey^e made certificate the 14th of July 1647 of a parcell Land layd out for James Johnson and the west side of Popler hill Creeke, contaynd: and now layd out for two hundred acres be it more or less.

[84] Sept: 11th.

Rob^t Clarke survey^e made certificate 14th of July 1647 of a parcell of land laying one the west side of Popler hill for ffrancis Pope and John Courts, contayning and now layd out for 200 acre be it more or less.

[94] Octob: 8th.

Robt. Clarke Survayo^e mad certificate the 14th of July of a

parcell of land layd out for Cristopher Cornall one the South side Popler hill creeke, Contayneing & now layd out for 100 acres be it more or less.

Robt. Clarke Survayo^e made certificate the 14th of July of a parcell of land layd out for John Neuell one the south side of popler-hill creeke Contayneing and now layd out for 50 acres.

[95] Robt Clarke survey^e made certificat 14th July of a parcell of land layd out for James Johnson lying in Patowmake Riuer and west of popler hill creeke, Contayneing 200 acres.

Robt Clarke Survar: made certific: 14th July last of a parcell of Land layd out for Richard Neuett lying in Bretons-bay, Contayning 100 acr.

Robt. Clarke survey^e made certificat 14th July of a parcell of land layd out for John Nun lying in Bretons-bay, Contayning 300 acres.

[95] Octob: 11th.

George Acreeke demandeth two hundred acres of land dew vnto hym for transporting hym selfe and his wife at his owne Charge into this Prouince in the yeare 1646.

Warr. to the Survayo^r for two hundred acres in wiccocomoke Riuer, next the land of Tho: Gerrard Esq .

Oct. 12th.

William Edis of this prouince plant^e demandeth one hundred acres of land applyed to him by giuft of his M^r: Henry Lee.

warrant to the Survayo^e for one hundred acr: of land in patowmake Riuer next the land of William Smoot:

[95] Octob: 22.

William Stiles demandeth one hundred acres of land, fifty dew by service and fifty applyed to hym by Capt: John Price.

Warraut to the Survayo for one hundred acres to be layd out for hym at the head of Richd: Neuetts branch in Bretons bay.

[96] Octob 16th.

George Manners demandeth one hundred and fifty acres of land dew vnto hym for transporting hym selfe and one Child in to the prouince in the yeare 1646.

Warr: to the Survayo^e for one hundred and fifty acres one the South side of St Jeromes Creeke towards the mouth.

[96] Octob: 30th.

John Wheatly demandeth two hundred acres of land dew to hym for transporting hymself, his wife and one son into this prouince in the yeare 1641.

Warrant to the Survayo^e for fifty acres one the west side of St Georges Riner neere to packer's Creeke.

Novemb 2^d.

Robt Clarke Survayo made certificate the 27 of Junne 1646 of a parcell of land layd out for William Tompson nere Namassconson in Patowmak Riuer, Contayning five hundred acres.

[97] John Hollis demandeth five hundred acres of land for transporting of five seruants into this prouince at his owne Charge in the yeare 1640.

warrant to the Survayo^e for five hundred acres of land vppon the Easterne side of Cedar pt in Patowmake riuer next to the land of James Neale Esq^r.

[98] Novemb^e 10th.

Robt Clarke Snrvayo^e made certificate of a parcell of land lying in the head of Kings creeke in Poto: Riuer, for Thomas Munday and Edward Hudson, now layd out for three hundred acres.

[99] Robert Clarke Snrvayo^e made certificate of a parcell of land lying the head of Neuetts branch in Bretons bay for William Stiles, Contayning one hundred acers.

Robert Clarke Survay^e made certificat of a parcell of land lying in Pato: Riuer neere the herring creeke, for William Edis Contayneing fifty acres.

Novemb: 11th.

John Medly demandeth three hundred acers of land for transporting his wife and two sernants vid Lancelet Sleepe, and Rowland Mace: into this prouince since the yeare 1641.

John Thymble and William Browne demandeth one hundred

acres of land dew for serueing three tymes wth in this Prouince since the yeares 1633 and 1641.

Christopher Russell demandeth one hundred acres of land for transporteing hym self into this province this present yeare 1647.

No: 19. Leiftenan^t William Evins, and John Jarbo demandeth two hundred acerts of land for transporteing themselues into this prouince at the owne charges in the yeare 1646.

And two hundred applyed to them by the right of Walter Peake of this prouince planter.

Warrant to the Survayo^e for fower hundred acres of land in the Isle of Kent in Great Thickett some tyme in possession of John Abbotte.

[100] Nouemb 22th.

Markes Phepo demandeth four hundred acres of land for transporting hymselfe into this prouince and two seruants wth a title applyed to hym from owen Seymor all in the yeare 1641.

Nicholas Keyting demandeth one hundred of land for transporting hymselfe into this prouince at his owne charge, and owne hundred by the title of Edward Leonard: and one hundred by the title of William Maclawghlin all in the yeare 1641.

Jan. 3^d.

Will^m Edwin demandeth 50 Acres of Land dew to him for his Cou^t & service wth in this Prouince & granted vnto him by [114] Gou^e Calvert.

War^t to Surveyo^e to lay out 50 Acres of Land wthin his Lo^{ps} Mannor of West St^t Maries, commonly knowen by th^e name of Tom: Surgeons Plantⁿ before th^e 2^d of ffeb: & ret. survey on th^e 5th of ffeb.

[116] Will^m Tompson demandeth 250 Acres of land dew to him Viz. 100 by assign^t from Gou^e & 100 as Admist^e of Rob^t Tuttey deceased & fifty for his wife dew by Indenture on th^e Easte side of St^t Clem^{ts} Bay, about 2 miles from Little Brittain commo^{ly} known by th^e name of th^e Indian Quarters.

[126] Jan. 10th.

Walter Smith demandeth 400 acres of Land due to him by conditions of Plantaōn.

[127] George Manners demandeth 500 acres of Land dew to him by grant from Jn^o Hallows: 2^d April 1649 War inde r ult Octobr. 1649 to bee laid out as in the Assignem^t next followeing.

Jan; 5^o 1647.

Memorandu th^t I Jn^o Hallowes had a grant (when Cap^t Hill was here in Court) for 500 acres of Land uppon th^e North side of th^e Creek next to Cedar Poynt in Patowmeck Ryu^e as appeareth uppon Record. I doe hereby assigne all my right & tytle in th^t Grant to George Manners or his assignes.

John Hallowes.

ffeb; 28^o 1647.

[143] March p^o. These p^ents wittnes th^t I haue sold unto George Manners Gent. & to his heyres & assignes for eu^e All th^t Tenem^t of Land commonly called Butlers Land, contayning one hund^d Acres of Land being in S^t Michaels Manno^e in th^e County of S^t Maries in Mary-Land, together wth all Edifices & all rights to w^{soeu} thereunto apperteyning ffor th^e summe of Twelue hund^d & fiuety pownds of Tob: & cask for w^{ch} I haue allready receaued satisfaction, & for th^e Rents & Conditions hereafter reserued, Viz. Hee & they yealding for eu^e & paying to th^e L^{ds} or owners of th^e s^d Manno^e One Bushell of good Indian Corne on th^e ffeast day of Natiuity of o^e Savio^e yearely. And att th^e death or charge of th^e Lord of th^e s^d Manno^e One Barrell of th^e like Corne to th^e New Lord thereof. And likewise att th^e death or charge of th^e Tenant. The Tenant next entring paying one Barrell of Indian Corne to th^e s^d Court And th^e Tennant of th^e s^d Tenem^t doing suite & seruice att euery Court holden of th^e s^d Mannou^e. And I doe hereby warrant th^e s^d Land to him & his heyres & assignes agst any p^{ety} w^{soeu}.

Margaret Brent.

Witnes my hand

In p^ence of vs

Giles Brent

John Metcalfe.

DANIEL DULANY'S "CONSIDERATIONS."

"On the fourteenth of October,¹ 1765, while the members of the Stamp Act Congress were in the midst of their labors upon the great problem of the hour, there came from a printing office in Annapolis a pamphlet of portly dimensions, dealing with the same problem, and doing so with a degree of legal learning, of acumen, and of literary power, which gave to it, both in America and in England, the highest celebrity among the political writings of this period. . . The pamphlet was without the author's name; and still further to obscure its origin, it bore on the title-page, for the place of publication, merely the words 'North America.' Moreover the preface was dated 'Virginia,'—another device for throwing the reader off the true scent; for in reality, Maryland was the colony to which its author belonged, and in which undoubtedly, his pamphlet was written. All this machinery for self-occultation failed to accomplish its purpose. The marks which the pamphlet bore of its author's individuality, were too definite and too unusual to permit him to remain long undiscovered. The men then living in the colonies who were capable of handling such a problem in such a manner were not many and could not be obscure; and, before very long, it was everywhere known as the work of Daniel Dulany." *Literary History of the American Revolution* by Moses Coit Tyler, Vol. 1, p. 101.

The second edition (and in fact all editions) were published anonymously but bears the imprint "2d. ed. Annapolis, Printed and sold by J. Green, 1765"; another edition: "New York, Re-printed by J. Holt, in the year 1765"; the English editions are imprinted: "North-America printed: London, Re-printed for J. Almon, 1766" and "2d. ed. North-America printed: London, Re-printed for J. Almon, 1766." The present reprint is from the first American edition which has attached to the last leaf, a clipping, containing extracts from the *Newport Mercury* of February 17 and March 3, 1766, relating to this pamphlet.

¹ The second edition of the pamphlet is dated Virginia, August 12, 1765.

In addition to the "Considerations," Almon published in 1766 a number of pamphlets on the Stamp Act, some of American and others of English origin, but none was so influential or popular as the "Considerations." Among those in the collection of the Maryland Historical Society may be mentioned "*The Necessity of Repealing the American Stamp Act demonstrated: or a Proof that Great Britain must be injured by that Act;*" "*The Grievances of the American Colonies candidly examined. Printed in Rhode Island, by authority of the Assembly there, and inscribed to Lord Dartmouth.*" [By Stephen Hopkins.]; "*Considerations on behalf of the Colonies. Written at Boston;*" "*The Rights of the British Colonies, asserted and proved, By James Otis, Esq., of Boston, in New England;*" "*An examination of the Rights of the Colonies upon the principles of Law;*" "*The Late Regulations Respecting the British Colonies on the Continent of America considered, in a letter from a gentleman of Philadelphia to his friend in London.*" [By John Dickinson.]; "*The late Occurrences in North America and Policy of Great Britain considered;*" "*An Enquiry into the Rights of the British Colonies intended as an answer to 'The Regulations lately made concerning the Colonies, and the taxes imposed upon them considered',*¹ in a letter addressed to the author of that pamphlet." By Richard Bland, of Virginia; "*The Justice and Necessity of Taxing the American Colonies Demonstrated. Together with a Vindication of the Authority of Parliament.*"

¹ John Campbell, LL. D.

CONSIDERATIONS
ON THE
PROPRIETY
OF IMPOSING
TAXES
IN THE
BRITISH COLONIES,

For the Purpose of raising a REVENUE, by *Act of Parliament*

..... *Haud totum verba resignent
Quod latet arcand, non enarrabile, fibra.*

(..... Let not my words shew all ;
The hidden mischief cannot be express'd.)

NORTH AMERICA :

THE
PREFACE.

IT would now be an unfashionable doctrine, whatever the ancient opinion might be, to affirm that the constituent can bind his representative by instructions ; but tho' the obligatory force of these instructions is not insisted upon, yet their persuasive influence, in most cases, may be : for a representative, who should act against the explicit recommendation of his constituents, would most deservedly forfeit their regard, and all pretension to their future confidence.

WHEN it is under deliberation, whether a new law shall be enacted, in which the electors of *England* are interested, **THEY** have notice of it, and an opportunity of declaring their sense ;—**THEY** may point out every dangerous tendency, and are not restrained in their representations, from shewing, in the plainest language, the injustice or oppression of it.

WHEN a law, in its execution, is found to be repugnant to the genius of liberty, or productive of hardships or inconvenience, **THEY** may also instruct their deputies to exert themselves in procuring a repeal of it : and, in the exercise of this right, are not constrained to whine in the style of humble petitioners ;—**THEY** are exposed to no danger in explaining their reasons ;—**THEIR** situation does not become so delicate as to make it prudent, to weaken, by not urging them, with their full force, and to their utmost extent. But who are the representatives of the colonies ? To whom shall **THEY** send their instructions, when desirous to obtain the repeal of a law, striking at the root and foundation of every civil right, should such an one take place ? Instructions to all the members who compose the house of commons would not be proper : to them the application must be by petition, in which an unreserved style would probably be deemed indecency, and strong expressions insolence ; in which a claim of rights may not, perhaps, be explained, or even insinuated, if to impugn, or glance at their authority whose relief is supplicated : to soften and deprecate must be the hope and endeavour, tho' a guiltless freeman would, probably, be awkward in ringing all the changes of *parce, precor*, [O spare, I beseech you.]

UNDER these circumstances, the liberty of the press is of the most momentuous consequence ; for if truth is not allowed to speak thence, in its genuine language of plainness and simplicity, nor freedom to vindicate its privileges with decent firmness, we shall have too much reason to acknowledge his foresight who predicted, that, "The constitution of the *British* government was too excellent to be permanent." The train for the accomplishment of that prophecy has not yet caught in *America*, nor, I trust, been laid.

THAT there have been laws extremely unjust and oppressive, the declarations of subsequent parliaments, fixing this stigma upon

them, evince ; but whilst the power which introduced them prevailed, it was not prudent to give them their deserved characters. The parliament of *Henry III.* or that of *Henry VI.* need not be cited ; there are many other instances, tho' not branded with epithets so remarkably opprobrious.

IN the opinion of a great lawyer,¹ "an act of parliament may be void," and of a great divine, "all men have natural, and freemen, legal rights, which they may justly maintain, and no legislative authority can deprive them of."

CASES may be imagined in which the truth of these positions might, in theory, be admitted ; but in practice, unless there should be very peculiar circumstances, such as can't be supposed to exist during the prevalence of the power that introduced it, who would rely upon the authority of opinions, or the principles of them, for his protection against the penalties of *any* positive law ?

WHEN the judges were ask'd by *Henry VIII.* Whether a man might be attainted of high treason by parliament, tho' not called to answer ? they declared that it was a dangerous question, and gave the evasive answer, that "the high court of parliament ought to give examples of justice to the inferior courts, none of which could do the like." But tho' it might be dangerous to declare against the authority of parliament, we are not bound to acknowledge its inerrability, nor precluded from examining the principles and consequences of law, or from pointing out their improprieties and defects. Upon this ground I have proceeded in the following considerations, and shall not be disappointed if they should appear to be too free, or too reserved, to readers of different complexions.

Virginia.

CONSIDERATIONS, &c.

IN the constitution of *England*, the three principal forms of government, monarchy, aristocracy, and democracy, are bleuded together in certain proportions ; but each of these orders,

¹ Coke's opinion in *Bonham's case*, cited in *Coxe's Essay on Judicial Power*, Philadelphia, 1893.

in the exercise of the legislative authority, hath its peculiar department, from which the others are excluded. In this division, the *granting of supplies*, or *laying taxes*, is deemed to be the province of the house of commons, as the representative of the people.—All supplies are supposed to flow from their gift; and the other orders are permitted only to assent, or reject generally, not to propose any modification, amendment, or partial alteration of it.

THIS observation being considered, it will uddeniably appear, that, in framing the late *Stamp Act*, the commons acted in the character of representative of the colonies. They assumed it as the principle of that measure, and the *propriety* of it must therefore stand, or fall, as the principle is true or false: for the preamble sets forth, That the commons of *Great Britain* had resolved to *give* and *grant* the several rates and duties imposed by the act; but what right had the commons of *Great Britain* to be thus munificent at the expence of the commons of *America*?—to give property, not belonging to the giver, and without the consent of the owner, is such evident and flagrant injustice, in *ordinary cases*, that few are hardy enough to avow it; and therefore, when it really happens, the fact is disguised and varnished over by the most plausible pretences the ingenuity of the giver can suggest. But it is alledged that there is a *virtual*, or *implied representation* of the colonies, springing out of the constitution of the *British* government; and it must be confessed on all hands, that, as the representation is not actual, it is virtual, or it doth not exist at all; for no third kind of representation can be imagined. The colonies claim the privilege, which is common to all *British subjects*, of being taxed *only* with their own consent given by their representatives; and all the advocates for the *Stamp Act* admit this claim. Whether, therefore, upon the whole matter, the imposition of the *Stamp Duties* is a *proper* exercise of constitutional authority, or not, depends upon the single question, Whether the commons of *Great Britain* are *virtually* the representatives of the commons of *America*, or not?

THE advocates for the *Stamp Act* admit, in express terms, that "the colonies do not choose members of parliament:" but they assert that "the colonies are *virtually* represented in the same "manner with the non-electors resident in *Great Britain*."

How have they proved this position? Where have they defined, or precisely explained, what they mean by the expression, *virtual representation*? As it is the very hinge upon which the rectitude of the taxation turns, something more satisfactory than mere assertion, more solid than a form of expression, is necessary: for how can it be seriously expected, that men, who think themselves injuriously affected in their properties and privileges, will be convinced and reconciled by a fanciful phrase, the meaning of which can't be precisely ascertained by those who use it, or properly applied to the purpose for which it hath been advanced?

THEY argue, that "the right of election being annexed to certain species of property, to franchises, and inhabitancy in some particular places, a very small part of the land, the property, and the people of *England*, are comprehended in those descriptions. All landed property, not freehold, and all monied property, are *excluded*. The merchants of *London*, the proprietors of the public funds, the inhabitants of *Leeds*, *Halifax*, *Birmingham*, and *Manchester*, and that great corporation of the *East-India* company, *none of them* choose their representatives, and yet they are all represented in parliament; and their colonies, being *exactly* in *their* situation, are represented in the *same manner*." ¹

Now this argument, which is all that their invention hath been able to supply, is totally defective; for it consists of facts not true, and of conclusions inadmissible.

IT is so far from being true, that all the persons enumerated under the character of *non-electors*, are in that predicament, that it is indubitably certain there is *no* species of property, landed, or monied, which is not possessed by *very many* of the *British electors*.

I SHALL undertake to disprove the supposed similarity of situation, whence the same kind of representation is deduced, of the inhabitants of the colonies, and of the *British non-electors*; and, if I succeed, the notion of a *virtual representation* of the colonies must fail, which, in truth, is a mere cob-web, spread to catch the

¹ "*Regulations lately made concerning the colonies*," by John Campbell, LL. D. This paragraph was also answered by Richard Bland.—[Ed.]

unwary, and entangle the weak. I would be understood : I am upon a question of *propriety*, not of power ; and, tho' some may be inclined to think it is to little purpose to discuss the one, when the other is irresistible, yet are they different considerations ; and, at the same time that I invalidate the claim upon which it is founded, I may very consistently recommend a submission to the law, whilst it endures. I shall say nothing of the use I intend by the discussion for, if it should not be perceived by the sequel, there is no use in it and if it should appear then, it need not be premised.

LESSEES for years, copyholders, proprietors of the public funds, inhabitants of *Birmingham*, *Leeds*, *Halifax*, and *Manchester*, merchants of the city of *London*, or members of the corporation of the *East-India* company, are, *as such*, under no personal incapacity to be electors ; for they may acquire the right of election, and there are *actually* not only a considerable number of electors in each of the classes of lessees for years &c. but in many of them, if not all, even members of parliament. The interests therefore of the non-electors, the electors, and the representatives, are individually the same ; to say nothing of the connection among neighbours, friends, and relations. The security of the non-electors against oppression, is, that their oppression will fall also upon the electors and the representatives. The one can't be injured, and the other indemnified.

FURTHER, if the non-electors should not be taxed by the *British* parliament, they would not be taxed *at all* ; and it would be iniquitous as well as a solecism, in the political system, that they should partake of all the benefits resulting from the imposition, and application of taxes, and derive an immunity from the circumstance of not being qualified to vote. Under this constitution then, a double or virtual representation may be reasonably supposed. The electors, who are inseparably connected in their interests with the non-electors, may be justly deemed to be the representatives of the non-electors, at the same time they exercise their personal privilege in their right of election ; and the members chosen, therefore, the representatives of both. This is the only rational explanation of the expression, *virtual representation*. None has been advanced by the assertors of it, and their meaning

can only be inferred from the instances, by which they endeavour to elucidate it, and no other meaning can be stated, to which the instances apply.

It is an essential principle of the *English* constitution, that the subject shall not be taxed without his consent, which hath not been introduced by any particular law, but necessarily results from the nature of that mixed government; for, without it, the order of democracy could not exist.

* PARLIAMENTS were not formerly so regular in point of form as they now are. Even the number of knights for each shire were not ascertained. The first writs¹ now extant for their choice, are 22d *Edward* I. by which, two, as at this day, were directed to be chosen for each county; but the king not being satisfied with that number, other writs were issued out for choosing two more. This discretionary power being thought inconvenient, was afterwards restrained by the statutes of *Richard* II. *Henry* IV. and subsequent acts.

IN earlier times there was more simplicity in the rules of government, and men were more solicitous about the essentials, than the forms of it. When the consent of those who were to perform, or pay any thing extra-feudal, was fairly applied for and obtained, the manner was little regarded: but, as the people had reason to be jealous of designs to impose contributions upon them without their consent, it was thought expedient to have formalities regulated, and fixed, to prevent this injury to their right, not to destroy a principle, without which, they could not be said to have any rights at all.

BEFORE the introduction of those formalities, which were framed with a view to restrain the excursions of power, and to secure the privileges of the subject, as the mode of proceeding was more simple, so perhaps this foundation of consent was more visible than it is at present, wherefore it may be of use to adduce some instances, which directly point out this necessary and essential principle of *British liberty*.

* See Treat. Peerage.

¹ For Parliamentary writs see Stubbs' *Select Charters*.—[Ed.]

THE lords and commons have separately given aids and subsidies to the crown. In 13th *Edward III.* the lords granted the tenth of all the corn, &c. growing upon their demesnes, the commons then granting nothing, nor concerning themselves with what the lords thought fit to grant out of their own estates. At other times, the knights of shires, separating from the rest of the commons, and joining with the lords, have granted a subsidy, and the representatives of cities and boroughs have likewise granted subsidies to the crown separately, as appears by a writ in 24th *Edward I.* which runs in these words, *Rex, &c. cum comites, barones, milites nobis, &c. fecerunt undecimam de omnibus bonis suis mobilibus, et cives et burgenses, &c. septimam de omnibus bonis suis mobilibus, &c. nobis curialiter concesserint, &c.* The earls, barons, and knights, having given unto us in parliament, the eleventh part, and the citizens and burgesses the seventh part of their goods and chattels, &c. When an affair happened, which affected only some individuals, and called for aid to the crown, it was common for those individuals *alone* to be summoned; to which purpose several writs are extant. In 35th *Edward III.* there is a writ (which *Dugdale* has printed in his collection of writs of summons to parliament) directed to the earl of *Northampton*, which, after reciting the confusion the affairs of *Ireland* were in, and that he, and some other *English* lords, had possessions in that kingdom, and were therefore more particularly obliged to the defence of it, follows in these words: *Volumus vobiscum, et cum aliis de eodem regno (Angliæ scilicet) terras in dicta terra habentibus colloquium habere, &c.* We will confer with you, and others of the same kingdom, (*viz.* England) possessed of lands in the said country.

BUT, that the reader may perceive how strictly the principle, of no person's being taxed without their consent, hath been regarded, it is proper to take notice, that, upon the same occasion, writs were likewise directed even to women, who were proprietors of land in *Ireland*, to send their deputies to consult, and consent to what should be judged necessary to be done on the occasion, e. g. *Rex, &c. marie, &c. salutem, &c. vobis, &c. mandamus quod aliquam, vel aliquos de quibus confidatis apud Westmon. mittatis ad loquendum nobiscum super dictis negotiis, et ad faciendum, et consentiendum*

nomine vestro, super hoc quod ibidem ordinari contigerit. We command you to send to Westminster, some person or persons, whom you may confide in, to confer with us, on the abovesaid affair, and to do and assent, in your name, to whatever shall be there decreed.

A REFLECTION naturally arises from the instances cited ;—when, on a particular occasion, *some individuals only* were to be taxed, and not the *whole* community, *their* consent only was called for ; and in the last instance it appears, that they, who upon an occasion of a general tax, would have been bound by the consent of their *virtual representatives*, (for in that case they would have had no *actual representatives*) were in an affair calling for a *particular* aid from them, *separate* from the rest of the community, required to send their *particular deputies* : but how different would be the principle of a statute, imposing duties without *their* consent who are to pay them, upon the authority of their gift, who should undertake to give, what doth not belong to them.

THAT great king, *Edward I.* inserted in his writs of summons, as a first principle of law, that *quod omnes tangat ab omnibus approbetur, what concerns all, must be approved by all*, which by no torture can be made to signify, that *their* approbation or consent *only* is to be required in the imposition of a tax, who are to pay no part of it.

THE situation of the non-electors in *England*—their capacity to become electors—their inseparable connection with those who are electors, and their representatives—their security against oppression resulting from this connection, and the necessity of imagining a double or virtual representation, to avoid iniquity and absurdity, have been explained—the inhabitants of the colonies are, *as such*, incapable of being electors, the privilege of election being exerciseable only in person ; and therefore, if *every* inhabitant of *America* had the requisite freehold, not *one* could vote, but upon the supposition of his ceasing to be an inhabitant of *America*, and becoming a resident of *Great Britain* ; a supposition which would be impertinent, because it shifts the question.—Should the colonies not be taxed by *Parliamentary impositions*, their respective legislatures have a regular, adequate, and constitutional authority to tax them, and therefore there would not necessarily be an iniquitous

and absurd exemption, from their not being represented by the *house of commons*.

THERE is not that intimate and inseparable relation between the *electors of Great Britain* and the *Inhabitants of the colonies*, which must inevitably involve both in the same taxation: on the contrary, not a single *actual* elector in *England* might be immediately affected by a taxation in *America*, imposed by a statute which would have a general operation and effect, upon the properties of the inhabitants of the colonies. The latter might be oppressed in a thousand shapes, without any sympathy, or exciting any alarm in the former. Moreover, even acts, oppressive and injurious to the colonies in an extreme degree, might become popular in *England*, from the promise or expectation, that the very measures which depressed the colonies, would give ease to the inhabitants of *Great Britain*. It is indeed true, that the interests of *England* and the colonies are allied, and an injury to the colonies, produced into all its consequences, will eventually affect the mother country; yet these consequences being generally remote, are not at once foreseen; they do not immediately alarm the fears and engage the passions of the *English* electors; the connection between a freeholder of *Great Britain* and a *British American*, being deducible only thro' a train of reasoning, which few will take the trouble, or can have opportunity, if they have capacity, to investigate: wherefore the relation between the *British American* and the *English electors*, is a knot too infirm to be relied on as a competent security, especially against the force of a present, counter-acting, expectation of relief.

IF it would have been a just conclusion, that the *colonies* being exactly in the same situation with the *non-electors of England*, are therefore represented in the same manner, it ought to be allowed, that the reasoning is solid, which, after having evinced a total *dissimilarity* of situation, infers, that the representation is *different*.

IF the commons of *Great Britain* have no right by the constitution to GIVE AND GRANT property *not* belonging to themselves but to others, without their consent actually or virtually given; if the claim of the colonies, not to be taxed *without their consent*, signified by their representatives, is well founded; if it

appears that the colonies are not actually represented by the commons of *Great Britain*, and that the notion of a double or virtual representation, doth not with any propriety apply to the people of *America*; then the principle of the *stamp act* must be given up as indefensible on the point of representation, and the validity of it, rested upon the *power* which they who framed it have to carry it into execution.

"SHOULD the parliament devise a tax, to be paid only by those of the people in *Great Britain*, who are neither members of either house of parliament, nor their electors; such an act would be "unjust and partial," saith the author of the claim of the colonies, &c. who yet allows, that the "Non-electors would have a security against the weight of such a tax, should it be imposed, which the colonies have not; viz. that the members of parliament, and the electors, must be relatively affected by it; but the industrious *North-American*, and the opulent *West-Indian*, may have their properties taxed, and no individual in *Great Britain* participate with them in the burthen: on the contrary, the members of parliament would make their court to their constituents most effectually, by multiplying taxes upon the subjects of the colonies."

Is it not amazing that the above author, *with these sentiments*, should undertake the defence of the stamp duties, which, by his own concession, appears to be *more* unjust, and *more* partial than the taxes he supposes, and upon which he bestows, very properly, the epithets of *unjust* and *partial*?

. . . . *Diluit helleborum, certo compescere puncto*
*Nescius examen.*¹

He infuses a dangerous drug, without skill to know the proper point between its good and ill effects.

BUT it has been objected, that if the inhabitants of *America*, because represented in their respective assemblies, are *therefore* exempted from a *parliamentary tax*, than² the citizens of *London*, who are represented in their common council, may plead the *same immunity*. If it were not for the authority upon which this objec-

¹ Persius, *Satire* 5; 100-1.

² Should read "then."—[Ed.]

tion is urged, it might be safely passed over without a particular answer ; but since it hath been introduced with an appearance of reliance, and the opinion which it retails, is said to have been delivered with great gravity, and pronounced with decisive confidence, I would not be so wanting in respect to an eminent character, as to neglect the ceremony of a direct refutation.

BUT I must observe, that when the opinion of a lawyer is taken in a matter of private concern, in which he is under no bias to deceive, a concise declaration of it may generally suffice ; he who applies for it being generally obliged to depend upon his council's character of integrity and knowledge ; not only because the expence of a methodical and minute discussion would be too burthensome, but because the force of legal reasoning is not generally understood. But in a question of public concernment, the opinion of no *court lawyer*, however respectable for his candour and abilities, ought to weigh more than the reasons adduced in support of it ; they ought to be explained ; they may be examined. Considering his temptations, credit ought to be cautiously and diffidently given, to his assertion of what is his opinion.—Considering the consequence of a decision, not to one man only, but to millions that exist, and myriads that may exist, and the exceeding fallibility of legal knowledge, nothing short of clear conviction, after the fullest explication of the reasons of the opinion, and the most accurate and intense consideration of their validity, can justify an acquiescence under it.

ON the present occasion, so immensely important, *nullius in verba magistri*, unused to swear on any master's word, I shall pin my faith upon the *dictum* of no lawyer in the universe ; and when his *ipse dixit* is authoritatively urged, I shall be at no pains to repress my suspicions that his reasons are concealed, because, if fairly produced and held up to the light, many flaws in them would be discovered by a careful examiner. I have lived long enough to remember many opinions of *court lawyers* upon *American* affairs ; they have been all strongly marked with the same character ; they have been generally very sententious, and the same observation may be applied to them all. They have all declared *that* to be *legal*, which the minister for the time being

has deemed to be *expedient*. The opinion given by a general of the law, in the late war, on the question, whether soldiers might be quartered on private houses in *America*, must be pretty generally remembered.

THE very learned gentleman has, it seems, declared that, "upon mature deliberation, he has formed his opinion, that the "colonies are, in their nature, no more than common corporations; and that the inhabitants of a colony are no more entitled "to an exemption from parliamentary taxations, because represented in an *American* assembly, than the citizens of *London*."

THIS opinion may be incontestably just in the judgment of that accomplished politician and elegant writer, who chooses to distinguish himself by the titles of late G—rn—or of the *J-rs-ys*,¹ of the *M-ss-ch-st-s B--*, and of *S--th C-r-l--a*; and who does not choose to be distinguished by the title of late *Maitre d'Hotel* of the late Sir *D--v-s O-b--e*;² or that exactly fitting and characteristic *appellation, conferred on him by an incensed culprit in an *American* court of star-chamber; an appellation rather adapted to signify those powers, which are useful in intrigue, and that lead to promotion, than expressive of respect and dignity: but having considered the subject in the best manner my very slender and limited capacity will allow, neither doth the opinion of the one, nor the approbation of it by the other, influence my judgment.

LET a great man declare a similitude, and he will soon find a *Polonius* to acknowledge, that, "*yonder cloud is, by the mass, like a camel indeed!—or, black like an ouzle,*"—or, *very like a whale*."

¹ Thomas Pownall (1722-1805), politician and antiquary, obtained a place in the board of trade and plantations, and having been nominated Lieut.-Governor of New Jersey came to America with Sir Danvers Osborn, then Governor. A few days after their arrival in New York, Osborn committed suicide. In 1757 Pownall was appointed Governor of Massachusetts and in 1757 Governor of South Carolina. Resigned and returned to England in 1760. His celebrated work, *The Administration of the Colonies*, in which he projected the union of all the American possessions in one dominion, and drew attention to the reluctance of colonists to be taxed without their own consent, was published in 1764. *Thomas Pownall*, by Chas. A. W. Pownall, London, 1908, and *Dictionary of National Biography*. —[Ed.]

² Sir Danvers Osborn. —[Ed.]

* See the History of Tom Brazen.

THE objection having been stated, the answer is obvious and clear.

THE colonies have a complete and adequate legislative authority, and are not only represented in their assemblies, but in *no other manner*. The power of making bye-laws vested in the common council is inadequate and incomplete, being bounded by a few particular subjects; and the common council are actually represented too, by having a choice of members to serve in parliament. How then can the reason of the exemption from internal parliamentary taxations, claimed by the colonies, apply to the citizens of *London*.

THE power described in the provincial charters, is to make laws; and in the exercise of that power, the colonies are bounded by no other limitations than what result from their subordination to, and dependence upon *Great Britain*. The term *bye-law* is as novel and improper, when applied to the *assemblies*, as the expression, *acts of assembly*, would be, if applied to the *parliament of Great Britain*; and it is as absurd and insensible, to call a colony a common corporation, because not an independent kingdom, and the powers of each to make laws and bye-laws, are limited, tho' not comparable in their extent, and the variety of their objects, as it would be to call lake *Erie*, a *Duck-pond*, because not the atlantic ocean.

SHOULD the analogy between the *colonies* and *corporations* be even admitted for a moment, in order to see what would be the consequence of the *postulatum*, it would only amount to this; The *colonies* are vested with as complete authority, to all intents and purposes, to tax themselves, as any *English corporation* is to make a bye-law, in any imaginable instance for any local purpose whatever: and the *parliament* doth not make laws for *corporations* upon subjects, in every respect proper for *bye-laws*.

BUT I don't rest the matter upon this, or any other circumstance, however considerable, to prove the impropriety of a taxation by the *British* parliament. I rely upon the fact, that not one inhabitant in any colony is, or can be *actually* or *virtually* represented by the *British house of commons*, and therefore, that the stamp duties are severely imposed.

BUT it has been alledged, that if the right to *give and grant* the property of the colonies by an internal taxation is denied by the house of commons, the subordination and dependence of the colonies, and the superintendence of the *British* parliament, can't be consistently establish'd ;—that any supposed line of distinction between the two cases, is but “a whimsical imagination, a “chimerical speculation against fact and experience.”—Now, under favour, I conceive there is more confidence than solidity in this assertion ; and it may be satisfactorily and easily proved, that the subordination and dependence of the colonies may be preserved, and the *supreme authority* of the mother country be firmly supported, and yet the principle of representation, and the right of the *British* house of commons, flowing from it, to *give and grant* the property of the commons of *America*, be denied.

THE colonies are dependent upon *Great Britain* ; and the supreme authority vested in the king, lords, and commons, may justly be exercised to secure, or preserve their dependence, whenever necessary for that purpose. This authority results from, and is implied in the idea of the relation subsisting between *England* and her colonies ; for, considering the nature of human affections, the inferior is not to be trusted with providing regulations to prevent his rising to an equality with his superior. But tho' the right of the superior, to use the proper means for preserving the subordination of his inferior, is admitted, yet it does not necessarily follow, that he has a right to seize the property of his inferior when he pleases, or to command him in every thing ; since, in the degrees of it, there may very well exist a *dependency* and *inferiority*, without absolute *vassalage* and *slavery*. In what the superior may *rightfully* controul, or compel, and in what the inferior ought to be at liberty to act without controul or compulsion, depends upon the nature of the dependence and the degree of the subordination ; and these being ascertained, the measure of obedience, and submission, and the extent of the authority and superintendence, will be settled. When powers, compatible with the relation between the superior and inferior, have, by express compact, been granted to, and accepted by the latter, and have been, after that compact, repeatedly recognized by the former ;—

when they may be exercised effectually upon every occasion without any injury to that relation, the authority of the superior can't properly interpose ; for by the powers vested in the inferior, is the superior limited.

By their constitutions of government, the colonies are empowered to impose internal taxes. This power is compatible with their dependence, and hath been expressly recognized by *British* ministers and the *British* parliament upon many occasions ; and it may be exercised effectually without striking at, or impeaching, in any respect, the superintendency of the *British* parliament. May not then the line be distinctly and justly drawn between such acts as are necessary, or proper, for preserving or securing the dependency of the colonies, and such as are not necessary, or proper, for that very important purpose ?

WHEN the powers were conferred upon the colonies, they were conferred too as privileges and immunities, and accepted as such ; or, to speak more properly, the privileges belonging necessarily to them as *British* subjects, were solemnly declared and confirmed by their charters ; and they who settled in *America* under the encouragement and faith of these charters, understood, not only that they *might*, but that it was their *right* to exercise those powers without controul, or prevention. In some of the charters the distinction is expressed, and the strongest declarations made, and the most solemn assurances given, that the settlers should not have their property taxed without their own consent by their representatives ; tho' their legislative authority is limited at the same time, by the subordination implied in their relation ; and they are therefore restrained from making acts of assembly repugnant to the laws of *England* : and, had the distinction not been expressed, the powers given would have implied it ; for, if the parliament may in any case interpose, when the authority of the colonies is adequate to the occasion, and not limited by their subordination to the mother country, it may in every *case*, which would make *another* appellation more proper to describe their condition, than the name by which their inhabitants have been usually called, and have gloried in.

BECAUSE the parliament may, when the relation between *Great*

Britain and her colonies calls for an exertion of her superintendence, bind the colonies by statute, therefore a parliamentary interposition in every other instance, is justifiable, is an inference that may be denied.

ON some emergencies, the king, by the constitution, hath an absolute power to provide for the safety of the state ; to take care, like a *Roman* dictator, *ne quid detrimenti capiat respublica* [That the commonwealth may not suffer,] and this power is not specifically annexed to the monarchy by any express laws ; it necessarily results from the end and nature of government : but who would infer from this, that the king, in every instance, or upon every occasion, can, upon the principles of the constitution, exercise this supreme power.

The *British* ministers have, in the most effectual terms, at different periods, from the reign of *Charles* II. to that of the present king, recognized this distinction in their requisitions, transmitted to the colonies to raise and levy men and money, by acts of assembly ; and recently, in the course of last war, they were so far from thinking that it was proper for the *British* house of commons to give and grant the property of the colonies to support the military operations in *America*, upon which not only the immediate protection of that part of the *British* dominions, but the most important interests, perhaps the ultimate preservation of *Great Britain* from destruction, essentially depended ; I say, on this great occasion of the most important and national concernment, the *British* ministers were so far from calling upon the house of commons, in their peculiar department, to give and grant property, belonging neither to themselves nor their constituents, that they directly applied to the colonies to tax themselves, in virtue of the authority and privilege conferred by their charter, and promised to recommend it to the *British* parliament to reimburse the expence they should incur in providing for the general service.—They made good their promise : and if all the money raised in the colonies by acts of assembly, in pursuance of the requisition of the *British* ministers, hath not been repaid by parliament, a very considerable part of it hath.

COULD they who made the requisitions I have mentioned, or

the assemblies that complied with them, intend or imagine the faith of the *English* government was to be preserved by a retribution, at one time, of the money disbursed at the instance and upon the credit of the *British ministry*, enforced and supported by *royal assurances*, and by taking it back again at another time? Is this method of keeping the faith of government to be ranked among the "improvements which hath been made beyond the idea of "former administrations, conducted by ministers ignorant of the "importance of the colonies, or who impotently neglected their "concerns, or were diverted by mean pursuits, from attending to "them?" Is it absolutely certain, that there can never, at any future period, arise a crisis, in which the exertion of the colonies may be necessary; or, if there should, that it will bring with it an oblivion of all former indirection?—But this is a subject fitter for silent meditation, than public discussion.

THERE was a time when measures of prevention might have been taken by the colonies.—There may be a time when redress may be obtained.—Till then, prudence, as well as duty, requires submission.

It is presumed, that it was a notable service done by *New England*, when the militia of that colony reduced *Cape-Breton*, since it enabled the *British ministers* to make a peace less disadvantageous and inglorious than they otherwise must have been constrained to submit to, in the humble state to which they were then reduced;—that the general exertion of the colonies in *North America*, during the last war, not only facilitated, but was indispensably requisite to the success of those operations by which so many glorious conquests were achieved; and that those conquests have put it in the power of the present illustrious ministers to make a peace upon terms of so much glory and advantage, as to afford an inexhaustible subject during their administration, and the triumph of toryism, at least, for their ingenious panegyrists to celebrate.

AN *American*, without justly incurring the imputation of ingratitude, may doubt, whether some other motive, besides pure generosity, did not prompt the *British nation* to engage in the defence of the colonies. He may be induced to think that the

measures taken for the protection of the plantations, were not only connected with the interests, but even necessary to the defence of *Great Britain* herself, because he may have reason to imagine that *Great Britain* could not long subsist as an independent kingdom after the loss of her colonies.—He may, without arrogance, be inclined to claim some merit from the exertion of the colonies, since it enabled *Great Britain* ultimately to defend herself; I mean that kind of merit which arises from benefits done to others, by the operation of measures taken for our own sakes;—a merit most illustriously displayed in the generosity of *G. Britain*, when, with their co-operation, she protected the colonies to preserve *herself*.

WHEN an house is in flames, and the next neighbour is extremely active, and exerts his endeavours to extinguish the fire, which, if not conquered, would catch, and consume his own dwelling; I don't say, that if the owner of the house which had been in flames, should, after the fire is subdued, complaisantly thank his neighbour generally for his services, he would be absurdly ceremonious; but if the assistant should afterwards boast of his great generosity, and claim a right to the furniture of the house which he had assisted in saving, upon the merits of his zeal and activity, he would deserve to be put in mind of the motive of his service.

IF the advantages gained by the late *most glorious and successful war* have been secured by an *adequate peace*;—if the successes that attended the military operations of the *British* nation and her colonies, roused by the spirit, excited by the virtue, animated by the vigour, and conducted by the wisdom of the ablest minister that ever served his country, has there been no compensation received for the charges of the war? are the colonies entitled to no credit for it?

WHEN the design is to oppress the colonies with taxes, or calumniate the late patriotic minister, the *expences of the war*, and the *enormity* of the *national debt* are proclaimed;—when the present all-accomplished administration is to be celebrated, then is the immense value of the new acquisitions displayed in the brightest colours,—“acquisitions! vast in extent, richly productive of the valuable commodities belonging to their several

"elimates ! The possession of those in *North America*, insures the
 "safety of the other colonies there, insomuch that our only danger-
 "ous neighbours, the *French*, do not think the pittance left worth
 "retaining, having, by the cession of *Louisiana* to the *Spaniards*,
 "avowedly given up for ever those great objects, for which alone
 "they began the war.—The ceded islands are almost of equal
 "advantage, for protecting our own, and annoying the settlements
 "of the *French* and *Spaniards*, if they should be again our
 "enemies. Part of *Nova Scotia*, since the removal of the neutral
 "*French*, hath been already settled by 10,000 inhabitants, within
 "the compass of six or seven years ; a province lately considered
 "as no more than a proper situation for a fortress, whose garrison
 "it could not subsist : even *Cape-Breton*, that barren appendage
 "to the province of *Nova Scotia*, is known to contain treasures so
 "worthy of attention as to be reserved to the crown. The mines
 "there are not veins ; they are mountains of coal ; vast cliffs of
 "nothing else stand open, and accessible ; no boring necessary to
 "find it ; no pit necessary to come at it ; no fire engines requisite
 "for carrying on the works. This island, and all the neighbouring
 "shores in the gulph of *St. Lawrence*, have another fund of wealth
 "in their fisheries. *Canada* is already a very flourishing colony,
 "inhabited by 90,000 people ; and their demand on *Great Britain*,
 "for a supply of manufactures, must be immediately considerable.
 "The peltry will be another great branch of commerce. *West*
 "*Florida* is surprisingly fertile, and luxuriantly productive in its
 "natural state, of every thing, and not only promising, but actually
 "producing wines, indigo, &c. &c."

Is no part of this description the ebullition of an exuberant fancy ? And shall we not cast one glance of retrospection towards the man, who, when his country was despised, and insulted, and sunk into the most abject condition of despondence, by inspiring her sons with that invincible vigour of patriotism, with which himself was animated, not only dispelled her fears, secured her safety, and retrieved her honour, but humbled her enemies, and tore from them the resources of their strength, and the supports of their insolence ?

ARE the acquisitious of the war retained by the peace so

inestimably valuable? And ought not the colonies to have some consideration that were instrumental in the successes when those acquisitions flowed, and strained every nerve in the general service, to that degree of exertion, that without it, all the power of *Great Britain*, all the amazing abilities of her minister, and all the discipline, and unparalleled bravery of her national troops and seamen, could not have availed beyond mere defence, if happily so far? If the war was expensive beyond all former example, so were the successes of it beneficial. If the expences attending the military operations in *America* are justly to be charged to the sole defence of the colonies, and no part of it to the security of *Great Britain*, or to the views of extending her dominions by conquest, if all the successes of the war have been achieved by the national arms of *Great Britain* ALONE, without any assistance, or co-operation of the plantations, still ought not the claim against the colonies, in equity, to be mitigated, upon reflection of the advantages derived from them, and of their contribution to the national revenue for a long course of years, during which, their protection put the *British* nation to very little, if any particular expence?

IF, moreover, *Great Britain* hath an equitable claim to the contribution of the colonies, it ought to be proportioned to their circumstances; and they might, surely, be indulged with discharging it in the most easy and satisfactory manuer to themselves. If ways and means convenient, and conciliating, would produce their contribution, as well as oppressive and disgusting exactions, it is neither consistent with humanity or policy to pursue the latter.—A power may even exist without an actual exercise of it, and it indicates as little good sense as good nature to exercise it, only that the subjects of it may feel the rod that rules them. Moderation may be observed, and equity maintained, at the same time that superiority is asserted, and authority vindicated, whatever the apprehensions of pusillanimity, or the insolence of usurpation, may suggest.

WHAT is the annual sum expected from the colonies?—what proportion from each?—how far do their abilities extend? These matters have been, without doubt, precisely ascertained, or easily

may be, at a time "when the real, the substantial, the commercial "interests of *Great Britain*, are preferred to every other consideration ; and it is so well known, that the trade whence its greatest "wealth is derived, and upon which its maritime power is principally founded, depends upon a wise and proper use of the "colonies," which implies at least, such an understanding of their circumstances, as must render it extremely easy, to form a reasonable estimate of their comparative wealth and the extent of their abilities. The proportion of each colony being so easily ascertainable at this period of *uncommon* knowledge of their affairs, why has the course observed by *former* ministers, when supplies have been expected from *America*, been neglected by the *present* ? Why was there not the usual requisition communicated to the provincial assemblies, instead of exacting an uncertain and unequal sum from each colony, by a law abruptly passed, without any previous default of those who are affected by it ?—I shall not call it a law repugnant to their genius, cancelling their charters, infringing the most valuable rights and privileges of *British* subjects, derogatory from the faith and honour of government, unjust and cruel in its principles, rigorous and oppressive in the means provided for its execution, and as pernicious in its consequences to the mother country, as injurious to the colonies in its immediate operation ; but I may call it a rigorous and severe law. It is in vain to attempt a palliation of this useless severity, (useless I mean to the purpose of raising a revenue) by fallaciously pretending that, as all the colonies were to be taxed, and the authority of each is limited, the interposition of the parliament became necessary, since nothing can be less disputable, than that each colony hath a competent authority to raise its proportion, and consequently nothing is more evident, than that all the colonies might raise the whole. * The assertion, that the colonies would have

* It is asserted in the pamphlet entitled, *The claim of the colonies, &c.* that *Maryland* availing herself of the protection of *Virginia* and *Pennsylvania*, contributed nothing to the common defence. This writer, from a view of some map of *North America*, imagined, it should seem, that *Virginia* and *Pennsylvania* were settled so as to encompass *Maryland* ; but the truth is, that the frontiers of *Maryland* were as much exposed, as those of the next colonies, and the fact is moreover false ; for I have been well informed that *Maryland* contributed near 50,000*l.* and

paid no regard to any requisitions is rash and unauthorized ; and had the event actually happened, the trouble and loss of time to the ministers, in making the experiment, would not have been considerable or detrimental to the nation ; and after its failure, an act of parliament might still have been made to compel the contribution, if the power which hath been exercised is defensible upon the principles of the *British constitution*.

A MEASURE so extreme could hardly be at once pursued, because the ministers did not know what to demand, who have made so many regulations in regard to the colonies, "founded upon knowledge, formed with judgment, and executed with vigour." Had the requisitions been communicated, I make no doubt but they would have been entertained with respect, and productive of all the effects that could reasonably have been expected from them. A petty *American* assembly would not, in answer to such requisitions, have impertinently recommended the reduction of exorbitant salaries, the abatement of extravagant, and the abolition of illegal perquisites, the extinction of useless places, or the disbanding of undeserving, or ill-deserving pensioners, as a more proper and beneficial method of relieving the public burthens than a new and heavy imposition upon useful and industrious subjects.

HAVE great things been promised for the ease of the people of *England*, and hath a measure been fallen upon, that by putting the accomplishment of them at a distance, and keeping expectation alive, it may contribute to the prolongation of a power, which, in the interim, will find sufficient opportunities to gratify the views of ministerial avarice or ambition ?

IF a sum had been liquidated, and a precise demand made, it might perhaps have been shewn, if proportioned to the circum-

incurred besides a considerable expence, which is now a debt upon the public journal of that colony, by putting her militia into actual service, and that an unhappy dispute, attended with a very heavy provincial charge, on some topic of privilege, was the real cause, why the grants of *Maryland* were not more liberal. After all, there have been instances, I speak not of more modern times, in which the parsimony of the parliament hath been complained of, and the notion of privilege carried to a great length by the house of commons ; but these have not been thought solid reasons for stripping their constituents of their rights. [*"Claims of the Colonies,"* by William Knox.—Ed.]

stances of the colonies, to be of no real consequence to the nation; and, if above their circumstances, that it would, with the oppression of the plantations, prove ruinous to the *British* manufactures; but, whilst matters are thus vague, and indeterminate, any attempt to shew that the *stamp duties* will be inadequate to the promised relief, distress the colonies, and consequently beggar the *British* manufactures, may be obviated by saying, that "the act is in the nature of an experiment; if inadequate, other methods may be superadded; if inconvenient, it may be repealed, as soon as discovered;" and hints may be thrown out at the same time, to cherish the hope of the nation, that there are the best grounds to expect *the measure will be productive of all that can be desired or wished.

THE frugal *Republicans* of *North America* (if the *British* inhabitants there, are to be distinguished by a *nick-name*, because it implies that they are enemies to the government of *England*, and ought therefore to be regarded with a jealous eye) may be allowed, without derogating from the vast and prodigious knowledge of a minister, to be acquainted with their own internal circumstances better than a stranger, who must depend upon information; and that too, most frequently, of men not the most eminent for their candour, distinguished by their sagacity, or respectable for their integrity. Had requisitions been made, and the sum demanded been equitable, and proportioned to their circumstances, they could have fallen upon ways and means less oppressive than the *stamp duties*. They have frequently taxed themselves; they have tried various methods of taxation; they know, by experience, the easiest and least expensive. The meaning, or construction of their levy-act is settled: they can be carried into execution, not only at a small expence, without exhausting a considerable part of their produce by the multiplication of officers, and their support, but

* It is asserted by the author of *the claim of the colonies*, &c. that the merchants trading to the several colonies gave in an estimate of the debt due to them from the colonies, amounting to 4,000,000*l*. It would have been a real public service if he had pointed out how this debt is to be paid under the oppression of new and heavy impositions, or what will be the proper remedy if there should be a stoppage in the payment of 4,000,000*l*. a stagnation of commerce, and want of employment to the *British* manufactures.

without heavy pains and grievous penalties, without oppression of the innocent, giving countenance to vexation, and encouragement to profligate informers, without the establishment of arbitrary and *distant* courts of * admiralty.

THE national debt is heavy, and it is a popular scheme to draw from colonies a contribution towards the relief of the mother country. The manner of effecting it is not carefully attended to, or nicely regarded, by those who expect to receive the benefit. The end is so ardently desired, that, whether the means might not be more moderate, is not scrupulously examined by men, who think themselves in no danger of injury or oppression from their severity. It is affirmed to those who cannot detect the fallacy of the assertion, that millions have been expended *solely* in the defence of *America*. They believe it, and thence are easily persuaded that the claim of a contribution from the colonies is just and equitable, and that any measure necessary to secure it, is right and laudable. It is represented, that unless the colonies are stripped of the *trials by jury*, and courts of *admiralty* are established, in which judges from *England*, strangers, without connection or interest in *America*, removeable at pleasure, and supported by liberal salaries, are to preside; unless informers are encouraged and favoured, and the accused most rigorously dealt by, that the tax will be eluded—and these severities are excused on account of their supposed necessity. The colonies are described to be a numerous, flourishing, and opulent people: it is alledged that they contribute to the national expence, by taxes *there*, only the pitiful sum of 1900*l.* *per* year, for the collection of which, an establishment of officers, attended with the expence of 7600*l.* *per annum*, is necessary. Upon these premises, the uneasiness of the colonies, at being forced to bring more into the common stock, appears to be unreasonable, if not rebellious; and they seem rather to deserve reprehension and correction, than favour and indulgence.

THE successes of the war were obtained as well by the vigorous efforts of the *colonies*, as the exertion of *Great Britain*.—The faith

* It was formerly held to be a grievous oppression, that, instead of having justice at home, the *English* subject was drawn to *Rome* by APPEALS, but an *American* is to be drawn from home, in the FIRST INSTANCE, as well as by appeals.

of *Great Britain* hath been engaged in the most solemn manner, to repay the colonies the monies levied by internal taxations for the support of the war. Is it consistent with that faith to tax them towards sinking the debt in part incurred by that re-payment? The immense accession of territory, and the value of the acquisitions obtained by the peace, is the consequence of the successes of the war.—The charge of the war is lessened by the advantages resulting from the peace. The colonies, for a long course of time, have largely contributed to the public revenue, and put *Great Britain* to little or no expence for their protection. If it were equitable to draw from them a further contribution, it does not therefore follow, that it is proper to force it from them, by the harsh and rigorous methods established by the stamp act; an act unequal and disproportioned to their circumstances whom it affects; exempting opulence, crushing indigence, and tearing from a numerous, loyal, and useful people, the privileges they had, in their opinion, earned and merited, and justly held most dear. If they are really in debt, the payment of it hath not been refused, it hath not been demanded. If one subject, grown giddy with sudden elevation, should, at any future period, rashly declare, that the colonies should be taxed, at all events, in the most rigorous manner; and that millions of industrious and useful subjects should be grievously oppressed, rather than himself depart from his character of pertinacity and wilfulness, check the impulse of a tyrannical disposition, or forego the gratification of his vanity, in a wanton display of power; submission would be an admirable virtue indeed, if not the effect of impotence.

THAT the contribution arising from the *stamp duties* is disproportioned to *their* circumstances from whom it is enacted, is manifest; for they will produce in each colony, a greater or less sum, not in proportion to its wealth, but to the multiplicity of juridical forms, the quantity of vacant land, the frequency of transferring landed property, the extent of paper negotiations, the scarcity of money, and the number of debtors. A larger sum will be exacted from a tobacco colony than from *Jamaica*; and it will not only be higher in one of the poorest colonies, and the least able to bear it, than in the richest; but the principle part of the revenue will

be drawn from the poorest individuals in the poorest colonies, from mortgagers, obligors, and defendants. If this be true, does the act deserve the encomium of being *a mode of taxation the easiest, and the most equal a duty upon property spread lightly over a great variety of subjects, and heavy upon none?*

THE *commons of Great Britain*, moreover, in their capacity of *representative*, not only *give and grant* the property of the colonies, but, in my construction of the stamp act, (however every reader may examine and judge for himself,) *give and grant* also to certain officers of the crown, a power to tax them higher still; for these officers will not, I presume, be called *virtual representatives* too; and what they shall think fit to levy, by an ingenious extent of the fiction, will not be considered as levied with the consent of the colonies.—The instances, I believe, *are rare*, in which the representatives of the people of *England* have delegated to officers of the crown the power of taxing their constituents; nor hath any distinction yet been advanced to prove, that, in their capacity of *virtual representatives* of the colonies, the house of commons not having the same confidence reposed in them, ought to proceed upon peculiar rules. There was a statute of *Henry VIII.* by which, I think, the king's proclamations, with the consent of the privy council, were to operate as laws; and another statute of *Richard II.* that the power of the two houses should be vested in twelve lords; but these acts bear *no resemblance* to the stamp act.

THE stamping instruments are to be retained in *England*. Vellum, parchment, and paper, are to be sent to *America*, ready stamped.—The first commissioner of the treasury, or the commissioners, or any three or more of them, are, by the act, empowered to set *any* price upon the vellum, parchment and paper, and the payment of that price is secured and enforced by the *same* pains and penalties that the stamp duties are.

IF the substitution of an arbitrary civil law court, in the place of the legal judicatories, and that deserved favourite, the common law-trial by jury, would not justify the assertion, that the stamp act hath stripped the colonies of the guards and securities provided by the constitution against oppression in the execution of laws, I would much less presume to say, the vesting in the com-

missioners of the treasury a power to tax the colonies, will amply justify the assertion, that the stamp act hath not left them even the shadow of a privilege. It is indeed something difficult to imagine how the order of democracy, which is as much a part of the constitution, as monarchy or aristocracy, can exist when the people are excluded from a share in the executing, and a share in the making of laws; but that is *not* the present case; and, tho' I may not be able to answer a specious objection, formed upon general principles, I am not obliged to adopt it, 'till I am convinced of its solidity.

A LITTLE examination will find how unfair and deceptive the representation is, that the colonies in *North America*, "two millions of *British* subjects, an opulent, thriving and commercial people, contribute to the national expence, no more than 7 or 800*l. per annum* by taxes raised *there*;" for tho' it should be acknowledged, (which I neither acknowledge nor deny, because I do not know, nor have an opportunity at coming at the fact) that the impositions upon the inhabitants of the colonies do not raise *there*, a greater sum than hath been stated, it doth not follow that "the inhabitants of the colonies are indulged at the expence of *Great Britain*, and that the readiest *British* cottager, who out of his scanty pittance, hardly earned, pays the high duties of "customs and excise in the price of his consumptions, has reason "to complain," if immense sums are raised upon the inhabitants of the colonies *elsewhere*.

BY such artifices and sophistry, is ignorance misled, credulity deceived, and prejudices excited. Thus oppression gains the credit of equity, cruelty passes for moderation, and tyranny for justice, and the man who deserves—reproach, is celebrated by adulation, and applauded by delusion for his wisdom and patriotic virtues.

THE truth is, that a vast revenue arises to the *British* nation from taxes paid by the colonies in *Great Britain*, and even the most ignorant *British* cottager, not imposed upon by infamous misrepresentation, must perceive, that it is of no consequence to his ease and relief, whether the duties raised upon *America* are paid *there*, and thence afterwards remitted to *Great Britain*, or paid at first upon the produce of the colonies in *Great Britain*.

IN the article of tobacco, for instance, the planter pays a tax upon that produce of his land and labour consumed in *Great Britain*, more than six times the clear sum received by him for it, besides the expences of freight, commission and other charges, and double freight, commission and charges upon the tobacco re-exported, by which the *British* merchants, mariners, and other *British* subjects, are supported ;—a tax, at least, equal to what is paid by any farmer of *Great Britain*, possessed of the same degree of property ; and moreover the planter must contribute to the support of the expensive internal government of the colony, in which he* resides.

Is it objected, that the duties charged upon tobacco, fall ultimately upon the consumers of this commodity in the consequential price set upon it? Be it so, and let the principle be established that all taxes upon a commodity, are paid by the consumers of it, and the consequence of this principle be fairly drawn, and equally applied.

THE *British* consumers therefore, ultimately pay the high duties laid upon tobacco, in proportion to the quality of that commodity which they consume.—The colonies therefore, in proportion to their consumption of *British* manufactures, pay also the high duties of customs and excise, with which the manufactures are charged in the consequential price set upon their consumptions. In their passage moreover, from the *British* manufactures to the *American* importers, the commodities go thro' a great many hands, by which their costs are enhanced ; the factors, the carriers, the shop-keepers, the merchants, the brokers, the porters, the watermen, the mariners, and others, have their respective profits, from which they derive their subsistence, and the support of their families, and are enabled to pay the high duties of customs and excise, in the price of their † consumptions.

THE policy of the late regulations of the colonies is of the same character with their justice and lenity. The produce of their lands, the earnings of their industry, and the gains of their commerce

* See the Appendix.

† See the Appendix.

center in *Great Britain*, support the artificers, the manufactories, and navigation of the nation, and with them the *British* landholders too.

Great Britain had ALL before, and therefore can have no more from the colonies ; but the minister, in the pursuit of a "well digested, consistent, wise and salutary plan of colonization "and government, a plan founded upon the principles of policy, "commerce and finances," chooses to demolish at one blow, all their privileges, as they have understood them, that he may raise in *America*, a part of what was before paid in *Great Britain*. But if the execution of it, instead of improving the advantages already possessed, confirming the blessings already enjoyed, and promoting the public welfare, should happen to distress the trade, reduce the navigation, impoverish the manufacturers, and diminish the value of lands in *Great Britain* ; should it drive the *British* mechanics and manufacturers to *America*, by depriving them of their best customers at home, and force the colonies upon manufactures, they are disabled from purchasing, other topics of eulogy must be discovered by his ingenious encomiasts, than his wisdom or his political achievements. Upon such an event, an *American* will have very little reason to exclaim,

*O! me infelicem, qui nunc demum intelligo
Ut illa mihi profuerint quæ dispexeram,
Et illa, quæ laudaram, quantum luctus habuerint.*

*O! unhappy I, who now at length am sensible
How the things I had despised were of advantage to me,
And how much mourning they caused, which I had so much
approved.*

THE right of exemption from all taxes *without their consent*, the colonies claim as *British* subjects. They derive this right from the common law, which their charters have declared and confirmed, and they conceive that when stripped of this right, whether by prerogative or by any other power, they are at the same time deprived of every privilege distinguishing free-men from slaves.

ON the other hand, they acknowledge themselves to be sub-

ordinate to the mother country, and that the authority vested in the supreme council of the nation, may be justly exercised to support and preserve that subordination.

GREAT and just encomiums have been bestowed upon the constitution of *England*, and their representative is deservedly the favourite of the inhabitants in *Britain*. But it is not because the supreme council is called *parliament*, that they boast of their constitution of government; for there is no particular magical influence from the combination of the letters which form the word; it is because they have a share in that council, that they appoint the members who constitute one branch of it, whose duty and interest it is to consult their benefit, and to assert their rights, and who are vested with an authority, to prevent any measures taking effect dangerous to their liberties, or injurious to their properties.

BUT the inhabitants in the colonies have no share in this great council. None of the members of it are, or can be of their appointment, or in any respect dependent upon them. There is no immediate connection, on the contrary, there may be an opposition of interest; how puerile then is the declaration, "what will become of the colonies birthright, and the glorious securities which their forefathers handed down to them, if the authority of the *British* parliament to impose taxes upon them should be given up? To deny the authority of the *British* legislature, is to surrender all claim to a share in its councils; and if this were the tenor of their charters, a grant more insidious or replete with mischief could not be imagined, a forfeiture of their rights would be couched under the appearance of privilege, &c."

(To be Continued.)

LETTERS AND DOCUMENTS.

[Executive Archives.]

[AN ECHO OF APRIL 19, 1861.]

Phila. Feb. 20th, 1865.

To His Excellency Bradford

Governor of the State of Maryland.

Your Excellency will remember that on the 19th. April 1861, the attack was made by a mob on the Millitary in the City of Baltimore, now there is a number of Officers of the 26th. Regt. P. V. under the Command of Col. Wm. F. Small with the said Regiment who where injured and lost clothing Uniforms &c, and as the Honorable Legislature of your State has made an appropriation for the Massachusetts Regt. the said Officers or at least some of them of the 26th. P. V. desires that they may receive compensation. One Capt who was wounded in the head and thumb was under a Phisician hands for a long time before he was able to do any thing. the amount his claim is about a thousand dollars, Col. Small's claim about three hundred, I have not heard the amount the others claim, but I dont think it will be verry large, And we must be carefull that no imposition be practiced in the estimation of damages should your Legislature mak an appropriation for their relief.

Your Excellency if you think proper will please lay the matter before the Honorable Legislature of Maryland, and inform me of the result

Most truly Your humble servant

Jonathan Eggleton late Captain in the 67th P. V.
No. 337 Chesnut street

P. S. Enclosed I send copies of Certificates from Col Small and Doctor Taylor which Capt. Kiefer requested to be sent to you.

J. E.

Philad. May 19, 1862

I certify upon honour that the wounds referred to in the annexed certificate of Dr. Taylor, were received by Capt. Jacob Kiefer, commanding Comp. B. of the second Regiment of Washington Guard at Baltimore Md on the 19th of April 1861 in the engagement between the mob of that city and a portion of the Washington Brigade of this city then under my command. I also certify that I was proceeding at that time from Philadelphia to Washington, under orders of the secretair of war, the Hon. Simon Cameren to be mustered into servise at Washinton for the defense of the Capitol.

Wm. F. Small Col. 26th Regt. Pa Vol.
late Brig. Gen. Comd. Washington Brigade.

this is a true copie.

This is to certify that Capt. Jacob Kiefer was attended by me from April 20 to June 1 1861.

He was wounded in the scalp and had his right thumb nearly severed at the joint which will always remain stiff in consequence besides several contusion on the body.

Wm. S. Taylor M. D.

May 19th 1862

this is a true copie.

[ROGER B. TANEY TO DANIEL MURRAY, Esq.]

Frederick, March 21, 1818.

Dear Murray:

I have lately heard that a petition has been forwarded to the Executive to reappoint Benjamin Jones a Magistrate for this County. It is not necessary to tell you how readily men put their names to a petition when they do not feel the responsibility of the measure proposed to be adopted. In this instance some very worthy men, who are decided federalists

and my personal friends have, as I am told, signed the petition. But you may rest assured that the removal of Jones was proper and that his reappointment would produce nothing but evil. You will please communicate this letter to the Council and accept Dear Murray, the best wishes of

Your friend

R. B. Taney.

[LT. COLONEL JOHN JONES TO GOVERNOR LEVIN WINDER.]

Dorchester County, June 21st, 1813.

D^r Sir,

I wrote you some time in May last Informing your Excellency of a number of Vacants wanting to be filled up in the 48th Reg^t which still remain so, perhaps my letter never got to hand. I now take the liberty to transmit you a list of those removed and those to Commission.

In Cap^t George Lake's Company in the place of Labil Pearson resigned to be Commissiond Washington Lake Lieut., William Andrews Insign.

Cap^t David Follin's Comp^y, in place of Uriah Dean Lieut. Dead to be Commissiond Jno. McNamara Lieut., Wm. Robertson Insign.

Cap^t Denwood Meekins resigned, in his place a Commission for John Travers Cap^t also for said Company commissions for Charles Travers Lieut., Jno Travers 2nd Insign.

Cap^t Tylor's Company, in place of Lieut Thomas Wallace resigned George Griffith Lieut to be Commissioned.

Cap^t William Colston's Company, in place of Insign James Busick resigned Noah Richardson to be Commissioned.

In place of Surgeon Dorsey Wyvill Doct^r James B. Sullivan to be commissioned—also a commission for Doct^r Harrison Dixon as Surgeon's Mate.

I wish the above to come on as soon as convenient.

I am your Excellency's most obt Svt.

Jno. Jones Lieut. Coln 48th rgt.

N. B.—Cap^t James Mobrey [Mowbray] Resd to be com-missioned Cap^t Wm. Linthicum; Archibald Ross resd in his place Levin Stewart Lieut. John Kirby Resd in his place James Skinner Ensigr.

His Excellency Levin Winder, Governor of Maryland.

[Endorsed Colonel Jones recommending Militia officers appointments made except for Captain Mowbray and Tyler's Companies. Company written to. In a state now to be acted on. Aug 1813. Appointed 21 Sept^r compleated.]

[LIEUT. COLONEL JOHN JONES TO GOVERNOR LEVIN WINDER.]

Dorchester County, July 30th 1813.

D^r Sir,

I Received a note from Mr Pinkney Clk of the Counsel dated July 8th and finding your Excellency has declined sending four commissions on account of not knowing what has become of Thomas Skinner Lieutenant of the late Capt. Mobray's company Vice Archibald Ross resigned. Thomas Skinner would not take his Commission after being appointed as to Mathew Wallace Insign of Capt. Tylor's Company he would not take his rise but stood as he was, which occasioned the Nomination as you received them. I wish now Commissions for Wm Linthicum Capt, Levin Stewart Lieut., and James Skinner Insign, Capt James Mobray and all his officers resigning, and in Capt Tylor's Company George Griffith Lieut. as Mathew Wallace stands Insign.

I am your Excellency most obt Sevt

Jno. Jones Lieut Colⁿ 48th Ridg^t.

Baltimore, July 1815.

Robert G. Harper Esq^r

Dear Sir

In compliance with your polite & condescending request, when I had the honour last to converse with you, I now remit you a few lines, which may enable you to judge whether there was sufficient cause to leave my name out of the list, or nomination of

magistrates for Baltimore County, since the year 1813, to the manifest injury of the police of this City, & also to its mercantile interest.

For the last 40 years of my life the foul breath of calumny never assailed my *moral* character until the Editors of the *Federal Republican* imposed upon (as I have since well ascertained) by a communication remitted to them by a certain person in this City, whose Character can add no weight to his testimony, & whose name, in mercy to himself and family I withhold (he being a brother Mason) were induced or rather *seduced* to make the following remarks in their paper of the 4th Dec^r 1812:¹

“We have given from time to time the names of several in Baltimore, who acted in, stimulated or approved the murder and riots lately committed there: To these we have now to add the name of the Rev^d John Hargrove, Register of the City, Minister of the Gospel & Justice of the Peace, ascertained in the following manner. About 3 hours before the attack upon the prison which was made for the purpose of murdering the Gentlemen who had been placed there for safety, and which, through a most manifest interposition of heaven, terminated in the death only of one, this hoary headed HYPOCRITE, this contemner, equally of his holy office & of the laws of the land which he had been appointed to execute, used the following or equivalent expressions to a person in the Mayor’s office in allusion to the necessary defence made against the murderous attack of the Charles Street Mob, which, as a Justice of the Peace it was his duty to endeavour to disperse or suppress. He said ‘*Remove the cause & the effect must cease, and as partial evil is calculated to promote general Good, it is a pity but they (meaning the mob) could have got hold of two or three of the firebrands,*’ meaning the defenders of the house, then in prison. We take it for granted that his commission of *Justice* will have been vacated, nor can we suppose the respectable part of his Spiritual flock will think their steps safe under a Pastor who openly wishes for civil bloodshed, and the Subversion of the law,

¹See also “Baltimore Riot of 1812,” this *Magazine*, Vol. 5, p. 191.

in such time and manner as might be calculated to instigate to both."

When this very unexpected paragraph first met my eye, together with the tortured and unjust editorial comment, I confess that it was perused with mingled feelings of surprize and indignation, which were followed by those of contempt and a dignified defiance of the consequence; armed as I felt myself, so strong in honesty, and in the good esteem of my fellow Citizens of Baltimore, I never could compel myself to attempt a reply by way of self defence; for I am confident that out of the 50,000 inhabitants of this City, *five* solitary individuals could not be found to attach any improper conduct to me at the period alluded to, or before and since, though for many years my conduct has been subjected to the most rigid scrutiny. I have never ranked as a political character in my life, nor was ever united to any political club or society. The character of Urbanity which I have always sustained, even in the estimation of those with whom I am viewed as differing in politics, is sufficient to support me on inquiry at any time. But to the point, with respect to the expressions *I am made to utter*, in the foregoing communication to the *Fed. Repub.* I would thus answer 1st By assuring you *most solemnly*, that I have no recollection of having ever expressed the words at all, and I am *certain* they never were so, in the *manner*, and with the application ascribed to me. Indeed it is morally impossible *I* could have uttered the most objectionable part of them, to wit "*It was pity that two or three of the firebrands could not be laid hold of,*" because it is acknowledged, that the conversation alluded to, wherein *I am made* to speak the language of an infuriated partizan took place several hours *after* the Gentlemen in Charles Street had surrendered themselves, & were marched *before my eyes* and safely lodged in prison; where, indeed I immediately went to visit and console one of them my masonic friend, and intimate associate. The absurdity then, of attributing such expressions to me must be manifest.

But 2^d even admitting that some such expressions were then used by me, as, that "Effects are never produced without a Cause; and that partial evil is sometimes universal Good." I

might ask is not the 1st a philosophical, & the 2d a moral truth? and acknowledged by the wise and good of all ages and nations? But, that a man, and a minister of the Gospel, now on the verge of the grave, and who consequently must plead *guilty* to the charge of being *hoary headed* should express regret that violence did not do its accursed work on that unhappy occasion, is an idea that my soul revolts at, as being opposite to my peaceable disposition.

Indeed no Magistrate in the City was more active than myself, after I knew of the riots, as C. Burrall Postmaster and Owen Dorsey Esq^r both Federalists with some knowledge of, as well as the then Sheriff of Balt^e Co., Wm. Merryman; though on the 3 outrageous nights I was in bed and a Stranger to the scenes nor knew of the transactions until next morning.

To conclude. To the hasty and unfounded Charges agst me published in the *Fed. Republican*. If this were the cause of my not being kept in the Commission of the peace, I confident present the tenor of a long life, never disgraced by one evident mark of Hypocrisy. Hence my "*Spiritual flock*" have not since deserted me, but were they to do so, it would not lessen my annual income one dollar $\text{\$}$ ann. And pardon my egotism when I add, that any perquisites formerly obtained by me *as a Magistrate*, were sacred to the poor. It is true I never acted in that capacity only in the office, where it is daily and hourly wanted to aid and promote the police and mercantile interest of the City—in the absence of the Mayor; but I am prolix, and beg pardon for detaining you so long on the subject; a Subject which has given much pain to some of my estimable Federal friends of the New Jerusalem Church, at a distance, while at the same time they never have been brought to think I acted improperly.

If the foregoing remarks will disabuse any honest mind from their former prejudices on the subject, it will answer the end of this letter and in some measure console, Sir, Your very humble serv^t in all duty.

Jn^o Hargrove.

[Endorsed "John Hargrove appointed Justice Peace Balto, Aug 22, 1815."]

Head Quarters
1st Sep Brigade 8th A Corps
Relay House B & O R Road
Nov^r 21st 1864

My Dear Governor

I am here in temporary command of this brigade during the absence of Br Gen^l Tyler who is away on a twenty days leave, and I am somewhat discouraged at having these subordinate commands when I am conscious of ability to fill higher and more important ones.

Gen^l Shriver has just left me and said it was quite likely that you would go to the front with the flags for our regiments. I hope that you will, for many reasons, and principally because I think that you *ought* to do so, at the same time I have thought that perhaps you might have an opportunity to do or say something which would promote my being ordered to the army in front of Petersburg and Richmond. I know that I am a soldier and it is because I am such, that my pride has revolted at the idea of begging for a command, but I have come to the conclusion that it is better to make an effort now,—at this season of the year and when things, in my judgment do not look particularly encouraging, than to await the progress of events; in addition, I am satisfied that the Republic now needs every willing heart and hand that she has in her service.

I do not desire to make the occasion of your visit to the Army of the Potomac, an opportunity to embarrass you with my views and wishes, but simply to beg your friendly remembrance of me should a way be opened, there or elsewhere. Major Gen^l Ord has promised that he would present my name to Gen^l Grant and ask him for a command for me and I have hopes of being attached to the 18th Corps, but the absence of Gen^l Ord, by reason of his wound, greatly militates against my prospects of success, for the absent are soon forgotten in the army.

Very truly yours

John R. Kenly, B. G.

Hon^{ble} A. W. Bradford
Gov^r of Maryland
Annapolis.

REVIEWS AND NOTES.

Diary of Gideon Welles, with introduction by John T. Morse, Jr. 3v. Boston: Houghton, Mifflin Co., 1911. \$10.00 net.

The journal of Gideon Welles written day by day in war time and the reconstruction period, gives a striking picture of the period from the point of view of the administration. We are shown not only the conduct of the various departments, the disputes of the Cabinet members, the hopes, disappointments and achievements of the government, but also the daily personal relations of Lincoln with his Cabinet. Welles comments on the character, personality and motives of his associates are clearly and strikingly set forth, and while we may not always agree with his estimates, they are always forcefully presented. The general reader as well as the student of history will be amply repaid for the time spent in its perusal. Numerous references to Maryland men and affairs occur in the pages of the journal.

Under date of October 14, 1864, he writes: ". . . The death of Judge Taney was alluded to. His funeral takes place to-morrow. The body will pass from his residence at 7. A. M. to the depot; and be carried to Frederick, Maryland. Seward thought it his duty to attend the funeral in this city but not farther, and advised that the President should also. The Attorney-General deemed it his duty and a proper courtesy to go with the remains to F. The President inquired my views. I thought the suggestions in regard to himself and Messrs. Seward and Bates very well, and it would be best not to take official action, but to let each member of the Cabinet act his pleasure. For my own part, I felt little inclined to participate. I have never called upon him living, and while his position and office were to be respected, I had no honors for the deceased beyond those that were public. That he had many good qualities and possessed ability, I do not doubt; that he rendered service in Jackson's administration is true, and during most of his judicial life he was upright and just. But the course pursued in the Dred Scott case and all the attending circumstances forfeited respect for him as a man or a judge."

Battle Honours of the British Army, by C. B. Norman. London, John Murray, 1911.

This volume gives a "brief description of the various actions the names of which are emblazoned on the colours and appointments of the regiments in the British army." It is worthy of note that the only "honours" acquired in North America were during the War of 1812. From the account of Bladensburg it appears that "this honour is borne on the colours of the following regiments;

King's Own (Royal Lancaster).

Essex.

Royal Scots Fusileers.

Shropshire Light Infantry.

... The force moved to Nottingham in three columns. The right, under Colonel Brooke, of the 44th, consisted of the 4th (King's Own) and the 44th (Essex); the centre, commanded by Colonel Patterson, of the 21st (Royal Scots Fusileers), comprised that corps and a strong naval brigade; whilst the left column, which was under Colonel Thornton, of the 85th (King's Light Infantry) was made up of that regiment and the light companies of the other three battalions. . ." The casualties were; Royal Artillery, 6 men wounded; Royal Engineers, 2 men killed; 4th King's Own, 1 officer killed, 7 wounded, 23 men killed, 56 wounded; Scots Fusileers, 2 officers wounded, 2 men killed, 11 wounded; Essex, 14 men killed, 35 wounded; Shropshire L. I., 2 officers killed, 11 wounded, 12 men killed, 53 wounded; Royal Marines, 6 men killed, 1 wounded; 6th West India, 1 man killed.

A History of the American Bar, by Charles Warren. Boston: Little, Brown & Co., 1911. Pp. 586. \$4.00 net.

In his preface the author says: "This is not a law book for those who wish to study law. It is an historical sketch for those who wish to know something about the men who have composed the American Bar of the past, and about influences which produced the great American lawyers."

The second chapter deals with the Colonial bar of Maryland; and later chapters entitled "The Federal Bar and the Law" discuss the careers of many prominent Maryland lawyers. The work is interesting and scholarly.

Ye Kingdome of Accawmacke or the Eastern Shore of Virginia in the Seventeenth Century, by Jennings Cropper Wise. Bell Book and Stationery Co., Richmond, 1911. Pp. 406. \$2.00 net.

This work is a contribution to that portion of Virginia which has been persistently overlooked heretofore and which the author claims forms a very important cornerstone to the history of the State. The boundary disputes with Maryland and other relations of the two sister states are illustrated from documents and other manuscript materials. An account is given of the activities of Governor William Stone; of the coming of the Quakers and of the planting of the Presbyterian church by Francis Makemie.

Three Rivers, the James, the Potomac, the Hudson. A retrospect of peace and war, by Joseph Pearson Farley, U. S. A. New York: Neale Publishing Co., 1910. Col. plates, pp. 277.

This volume is largely made up of sketches first published in various military journals, and contains the author's personal recollections of the Civil War. Some local history and description is incorporated but the searcher for information concerning the three rivers mentioned, will find but little as the title is rather misleading.

The Christiana Riot and the Treason Trials of 1851, by W. U. Hensel. Lancaster, Pa., 1911. Pp. 134.

The Lancaster County Historical Society celebrated the erection of a monument to the victims of the Christiana riot, in which Edward Gorsuch of Baltimore County was murdered, on September 11, 1911, the sixtieth anniversary of the riot. The proceedings of the occasion, together with the above monograph are published in the Monthly Proceedings of the Society for October 1911. Mr. Hensel is revising his work and expects to republish it in book form in a short time. The inscriptions on the monument are to Edward Gorsuch "who died for law" and to Castner Hanway who "suffered for freedom."

Makemieland Memorials, by Rev. L. P. Bowen, D. D. Richmond, Va. Pp. 205.

Mr. Bowen has gathered into this volume several papers and addresses relating to Francis Makemie and to the monument erected in his memory on Holden's Creek, Accomac Co., Va. Pages 78 to 205 are devoted to poems local and personal.

Memoirs of John Mifflin Hood, compiled by John M. Hood, Jr. 68 pp.

This pamphlet is a compilation of editorials, resolutions, ordinances and speeches, principally from the daily press, in connection with the erection and dedication of the monument to the late General Hood.

The *Mayer Family*, by Harriet Hyatt Mayer, is a pamphlet of five leaves giving a brief account of the Mayer family of Ulm, with "trees," and illustrated with mounted photographs.

Heralds of a Liberal Faith, edited by Samuel A. Eliot. 3 vols. Boston: American Unitarian Association, 1910. \$2.50 net.

These handsome volumes, designated respectively "the Prophets," "the Pioneers," and "the Preachers," contain biographical sketches of three hundred and one Unitarian ministers. Volume one contains nothing of local interest, but volume two has sketches of John Pierpont and Jared Sparks, the former being prominent here in 1816 as a poet and man of letters, while the latter was for four years pastor of the First Independent Christ Church on Franklin St.; Volume three contains an adequate sketch of George Washington Burnap, the successor of Jared Sparks and for thirty-two years pastor of the above church.

Reminiscences, by the Rt. Rev. William Paret, D. D., LL. D., sixth Bishop of Maryland. Philadelphia: Geo. W. Jacobs & Co., 1911. 209 pp. \$1.50 net.

"These 'Remembrances' are written, not with any wish for

their being published,—but at the earnest request of my children and of a few dear friends. I have tried to state facts only, avoiding as far as possible any expression of my opinions.”
Author’s preface.

The book has a preface by Bishop John G. Murray and an Introduction by the editor, Miss Emily Paret Atwater.

Report of the Commission appointed to study the system of Education in the Public Schools of Baltimore. U. S. Bureau of Education. Washington, 1911. 112 pp.

This report which excited great local interest as published in the daily press has now appeared in permanent form as *Education Bulletin*, 1911, No. 4., whole number 450.

Guide to the materials for American History in Roman and other Italian Archives, by Carl Russell Fish. Washington, D. C. The Carnegie Institution, 1911. 289 pp. \$2.00 net.

This volume calendars a number of somewhat interesting papers relating to Maryland contained in the Roman Archives, but no unpublished papers of great importance, and it is probable that the most valuable Maryland documents were contained in the Jesuit documents and therefore have fallen into Father Hughes’ work.

A History of Public Permanent Common School Funds in the U. S. 1795-1905, by Fletcher Harper Swift. New York, Henry Holt & Co., 1911. 493 pp.

Chapter twenty-eight of this work, devoted to Maryland, summarizes the history and legislation of the Free school Fund and gathers into one place all the various items of interest concerning the funds.

Historical Research. An outline of theory and practice, by John Martin Vincent. New York, Henry Holt & Co., 1911. 150 pp. \$2.00 net.

This valuable work is based on the lectures given by the

author during his twenty years connection with the Johns Hopkins University as professor of European history.

Through the courtesy of Mr. H. H. B. Meyer, chief bibliographer of the Library of Congress, we are enabled to print the following note concerning Charles Garth, the parliamentary agent for the colony of Maryland during the Stamp Act troubles, whose letters on that subject are printed in this current volume.

A sketch of the branch of the Garth family settled at Devizes, Wiltshire, is printed in the "Wiltshire Archaeological and Natural History Magazine," v. 2, (1885), p. 332, with genealogical table. According to this, Charles Garth was son of John Garth, Recorder of Devizes and member of Parliament for that borough, 1740-1757 and 1761-1764. Charles Garth was also Recorder of Devizes and member for the borough from 1765 to 1780. He was appointed Commissioner of Excise in 1780. He married November 29, 1764, Fanny, daughter of John Cooper, of Camberwell, near Bradford, Wiltshire. Charles Garth died at Walthamstow, March 9, 1874. His wife died in 1792. They had three sons and four daughters.

Charles Garth was a grand-nephew of Sir Samuel Garth, celebrated physician and poet, an account of whom will be found in the *Dictionary of National Biography*.

The new half million dollar building of the New Hampshire Historical Society at Concord was dedicated on November 23rd. The fund for the erection of the building came from private subscriptions, and was largely the gift of Mr. Edward Tuck.

The Chairman of the Committee on Printing announces that a new and revised edition of the *Biographical Congressional Directory* is in preparation and he will be glad to receive any corrections from individuals or libraries tending to improve the work.

The American Law School Review for November contains a memorial tribute to the late Judge George Matthews Sharp by C. La Rue Munson, which was read at the meeting of the section of legal education of the American Bar Association, August 30, 1911.

The recent death of Dr. J. C. Hepburn, the veteran missionary to Japan, leaves the Rev. George A. Leakin, one of the Vice-Presidents of this Society, the oldest living graduate of Princeton.

Americana for August contains an article by William S. Pelletrau, entitled "Hinton Rowan Helper and his book." It will be remembered that "The Impending Crisis" which aroused such a storm of protest and criticism in 1857, was written in Baltimore though published in New York. Helper's other publications are also noted.

The *Nation* of August 24th prints a letter from Mr. Gaillard Hunt of the Library of Congress, "More Records of the Federal Constitution," which contains a note in regard to Dr. James McHenry.

The presentation of the portrait bust of Governor Isaac Shelby to the Memorial Continental Hall recalls the fact that he was born in Maryland, near Hagerstown, December 11, 1750. The gift was made by the Kentucky chapter, National Society of the Daughters of the American Revolution. An illustrated souvenir programme was issued on the occasion.

PROCEEDINGS OF THE SOCIETY.

MONTHLY MEETINGS.

October 9, 1911. Stated Meeting. Mr. W. Hall Harris, one of the Vice-Presidents, in the chair and eighteen members present. President Cohen subsequently came in and took the chair.

Hon. Henry Stockbridge donated two copper plates of Luther Martin.

The following persons hitherto nominated were elected to active membership: Mrs. Cecilia C. Thompson and George Cator.

The necrology: Dr. Robert Atkinson, James H. Buchanan, Harrison W. Vickers, Joseph R. Foard, George M. Sharp, Henry C. Larrabee, Fridge Murdoch, Walter R. Townsend.

The President announced that during the summer a new steam heating apparatus has been installed, the cellar cleaned and a portion paved, and the library rooms cleaned by the vacuum process.

November 13, 1911. Stated Meeting. President Cohen in the chair and twenty-two members present.

His Eminence James Cardinal Gibbons through Mr. Michael Jenkins presented a medallion of himself struck off in honor of his jubilee. Mr. W. Hall Harris offered the following resolution:

Resolved, That the thanks of the Maryland Historical Society be tendered to His Eminence the Cardinal for this very interesting and unusually handsome medallion.

The following persons hitherto nominated were elected to

active membership: Mrs. Thomas L. Gladden, James C. Gittings, Arthur L. Jones, William Milnes Maloy, Mrs. Eben Sutton and to associate membership: Charles Exley Calvert.

The resignation of Ruxton M. Ridgely was presented and accepted.

Dr. Bernard C. Steiner from the Committee on Publications reported that Volume 31 of the Maryland Archives was completed.

On the motion of Dr. Steiner, Hon. Henry Stockbridge, Messrs. Samuel K. Dennis and Louis H. Dielman were appointed a committee to prepare and submit a report to the next General Assembly and to take the necessary steps to secure a continuance of the usual appropriation.

Dr. Bernard C. Steiner read a paper on "Some Aspects of Governor Fendall's Administration in 1659 and 1660."

JAMES W. BOWERS,
Recording Secretary.

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